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REPORT

FROM COMMITTEE ON PETITION

OF

ROYAL BURGHS OF SCOTLAND,

RESPECTING

THE PROVIDING OF JAILS:

WITH AN APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1818.

THE REFORM CLUB LIBRARY

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REPORT.

THE COMMITTEE to whom the Petition of the ROYAL BURGHS OF SCOTLAND, assembled at their Annual Convention, relating to their being relieved of part of the Expense of erecting proper Jails, was referred, to examine the Matter thereof, and report the same, with their Observations thereupon, to The House;—HAVE agreed to the following REPORT:

YOUR Committee having taken into consideration the said Petition, proceeded in the first place, to call on each Royal Burgh in Scotland, for answers to certain queries (see Appendix No. 1.) suggested by the allegation in the said Petition.

Upwards of 49 Royal Burghs have accordingly made returns to these queries, which are given in the Appendix (No. 2,) by which it appears, that with the exception of 8 or 10, none of the Jails in these Burghs are in a good state, and many of them are both insecure and incommodious. Although it is the acknowledged law of Scotland, that the Royal Burghs are bound to provide proper Jails, yet Your Committee are fully sensible, that from various causes, the means of many of these Burghs are become inadequate to the necessary improvement of their existing Jails; but as this is not the case with all of them, and as others would require aid from the counties in which they are situated, in different degrees, it appears to Your Committee, that no general measure can be enacted to fix the different proportions which might be thought the counties ought respectively to contribute in aid of building or improving one or more Jails within their bounds. As several counties have however already voluntarily assisted the Burghs in building new and commodious Jails, by obtaining Acts of Parliament to enable them to assess themselves for that purpose; and as Your Committee are induced to believe that this would be done by many of the counties, if they had the power of assessment which

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is given to the counties of England by the Act 24 Geo. 3, c. 54; they beg leave to recommend that a Bill should be introduced applicable to Scotland, empowering the Commissioners of Supply at the different counties, upon application being made by one or more of the Royal Burghs, situate within them, for aid to improve or rebuild their Jails, to take the said application into consideration, and to grant such sums as they may deem necessary for that purpose, and to assess the county for the same. It does not appear, however, to Your Committee, that it would be expedient to recommend any alteration of the law, as far as regards the responsibility of the Magistrates of the Royal Burghs, for the Escape of Prisoners, which is now imposed upon them. But it would be proper, that in any Bill that may hereafter be introduced into Parliament, to enact, that if proper and secure airing grounds are provided for the Jails, persons confined for debt may be allowed access to them without such indulgence being deemed to be an escape, which as the law of Scotland now stands, Your Committee understand might be the case.

22 May 1818.

APPENDIX:

VIZ:

N° 1.—QUERIES (12 in Number) circulated to the Royal Burghs in Scotland, suggested by the Allegation in their Petition - - - - - p. 6.

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3.—Annan - - - - - ibid.
4.—Anstruther (Easter) - - - 9.
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6.—Ayr - - - - - ibid.
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15.—Dingwall - - - - 25.
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24.—Glasgow - - - - - 38.
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26.—Inveraray - - - - ibid.
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31.—Kirkcaldy - - - - 49.
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34.—Lanark - - - - - ibid.
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39.—Perth - - - - - 55.
40.—Pittenweem - - - - 57.
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43.—Stirling - - - - - ibid.
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49.—Whithorn - - - - 66.

No. I.

SIR,

THE Committee of the House of Commons, to whom the Petition of the Royal Burghs of *Scotland*, respecting the Burgh Jails, has been referred, request that you will answer the following QUERIES without delay:

1.—IS the Jail in your Burgh sufficient for the accommodation and secure custody of the Civil and Criminal prisoners confined therein?

2.—When, and at whose expense was it built, repaired or enlarged;—if the Jail is connected with a Court House, Town Hall or other Building, distinguish the expense properly belonging to the Jail from the rest of the Building?

3.—What accommodation does it afford to the prisoners?

4.—What is the number of prisoners, Civil and Criminal, usually confined at the same time, taking an average of the last 20 years?

5.—Is the number increased of late years?

6.—What proportion do the Civil usually bear to the Criminal prisoners?

7.—What proportion of the prisoners usually belong to the population within the jurisdiction of the Burgh?

8.—Has the Burgh sustained any, and what loss, by the Escape of Prisoners for Debt, during the last 20 years; and to what was the Escape owing?

9.—In what manner is the Jailer paid; and what is the amount of his Income as Jailer?

10.—Does the Jailer find Caution; and to what amount?

11.—What is the annual average amount of Repairs, and other incidental expenses attending the Jail, paid by the Burgh, exclusive of Jailer's salary, taking an average of the last 20 years; and are these expenses increasing?

12.—What is the annual Income of the Burgh; from what sources does it arise; and is it increasing or falling off?

State to the Committee any other information you may think requisite, to enable them to form a just opinion, respecting the said Petition from the Royal Burghs.

Address your answer,—"*To the Clerk of the Committee on Scotch Jails, House of Commons, London.*"

JA^{S} MONTGOMERY,

Chairman.

No. 2.

1.—ABERDEEN.

Nº 2.
ANSWERS
TO QUERIES.

1. Aberdeen.

Sir, Council Chamber, Aberdeen, 9 March 1818.

I HAVE had the honour to receive a circular letter addressed to me as chief magistrate, by the chairman of a Select Committee of the House of Commons, to whom the petition of the Royal Burghs of Scotland, respecting the Burgh Jails, has been referred, accompanied by a copy of the petition and a certain number of queries, and requesting answers thereto, for the purpose of obtaining accurate information as to the present state of the Burgh jails, and the extent of the grievances complained of.

I have now the honour to inform you, for the information of the Committee, that answers were transmitted to these several queries in the month of May last, by the town clerk, to Mr. Irvine, the agent for the convention of burghs, who has advised me by letter of the 21st ult. that he had transmitted them along with the other answers which he had received from the different burghs, to the Committee of the House of Commons; you will be pleased therefore to be referred to these answers, which I trust are already in the possession of the Committee.

I remain, Sir,
Your most obedient humble servant,
Robt Garden,
Baillie, and acting Chief Magistrate.

The clerk of the Committee
on Scotch jails, House of
Commons, London.

P. S.—I beg leave farther to add, that the magistrates and council of this city would beg leave to impress upon the attention of the Committee, the propriety of enforcing by legislative enactment, that counties shall be liable equally with the burghs in the burden of erecting as well as of upholding jails when built.

R. G.

Sir, Council Chamber, Aberdeen, 16th May 1817.

IN obedience to your circular letter of the 14th ult. addressed to the magistrates of this city, soliciting them to transmit an account of the evils which they have chiefly experienced from the existing laws with regard to jails, I beg leave to prefix answers to the several queries put to them, in their order.

It may be proper to mention, that it is in contemplation to erect a new jail for this city and county, and the expense is to be defrayed by them jointly; but at present this much wanted public building is put off, and part of the bridewell has been appropriated in aid of the public jail, for the confinement of debtors and criminals.

The magistrates are well aware of the hardships under which the royal burghs labour, with respect to the burden of building and upholding jails, and their responsibility for the escape of prisoners, and will no doubt concur in any general measure which the convention may deem expedient to adopt for the relief of the burghs.

I remain, Sir,
Your most obedient humble servant,
Wm Carnegie, T. C.

John Irving, Esq. agent for the
Royal Burghs, Edinburgh.

1.—THE jail has of late years been very much crowded, and on account of the close confinement of the place, and narrow compass of the cells, it has been very obnoxious to the health of the prisoners confined in it.

2.—The prisoners of both descriptions, viz. civil and criminal, have been nearly doubled within these ten years back, and seem to be continually increasing.

3.—Those committed for debt will average about eighteen, and those for crimes, about ten; and of late there were confined in the debtors room no less than twenty-four.

4.—The proportion of each will be about equal.

5.—The expense affecting the burgh may be about 200*l.* sterling, annually.

6.—The expense has been about doubled within the last ten years, and is still on the increase.

7.—Since the late decision relating to jail fees, few or none have been paid, and those paid annually may not exceed 3*l.*

8.—The jailer finds caution for the faithful discharge of the duties of his office, and to free and relieve the magistrates from all action instance and pursuit that may be raised or intended

1. Aberdeen.

intended against them in consequence of the escape of prisoners, civil or criminal, and he and his cautioners are bound to implement the premises under the penalty of 100 *l.* over and above performance.

9.—The burgh of Aberdeen has been fortunate enough to have had nothing to pay on that account within the space mentioned in the question.

10.—The former answer will solve this question.

11.—The first part of this question is already solved; but as to the latter part, the revenue of the burgh has certainly been of late considerably decreased from other causes, so as to render the payment of any such losses a great hardship.

W. C.

2.—ARBROATH.

2. Arbroath.

1.—THE jail of this burgh is sufficient for the accommodation of the prisoners confined in it; but two recent escapes will not allow us to say it is completely secure.

2.—The jail was built about eight years ago, from the funds of the burgh; it is connected with the town hall, court house, and clerks office, the whole being under one roof. This public building in whole, cost at least 3,000 *l.* but the exact proportion of the expense of the jails cannot be ascertained from the whole being built at one time, and under one contract; the expense of the jails alone, may be moderately estimated at 600 *l.* or 700 *l.*

3.—There are five comfortable apartments in the jail, besides a cell for criminals.

4.—The average number of prisoners, confined at same time in our jails, may be estimated at three or four, taking the average for the last 20 years.

5.—The number has certainly increased of late years.

6.—The proportion of the prisoners confined for civil debts to those confined for crimes, may be estimated as one criminal to five civil debtors.

7.—It is impossible to state exactly the proportion of prisoners residing within the royalty, to those without our jurisdiction, we think they may be nearly equally divided; perhaps more in the latter class than in the former.

8.—The burgh has paid about 200 *l.* for the escape of prisoners for debt, within the last twenty years. These prisoners effected their escape either by cutting through the window, or the floor of the prisons; but we do not attribute negligence to the jailer in this respect.

9.—Our jailer is paid 12 *l.* a year from the town's funds, besides other emoluments as drummer, and small dues; altogether his income may be 40 *l.* a year.

10.—The jailer does not find caution.

11.—The average amount of repairs on the jails, may be fairly estimated at 20 *l.* per annum, and a considerable sum will soon be necessary to put the jails in a more complete state of security.

12.—The annual income of the burgh may be about 1,700 *l.* per annum, arising from the shore dues, feu duties, rents, &c. The debt of the burgh is about 12,000 *l.* the interest of which being 600 *l.* leaves only 1,100 *l.* to pay the expense of keeping the harbour in repair, lighting the streets, keeping them in repair, ministers and schoolmasters salaries, factor fee officers salaries, and a variety of other incidental expenses.

11 March 1818.

Wil. Kiel, Provost.
Ja^s Kay, Baillie.
W^m Audson, Baillie.

3.—ANNAN.

3. Annan.

1.—THE jail of the burgh of Annan is at present secure for the custody of the civil and criminal prisoners confined in it, but by no means sufficient for their comfortable accommodation.

2.—The jail, which comprehends the court room or town hall, which the prisoners for debt generally have the use of, was built about 1722, at the burgh's expense; and it has always been kept in repair at the expense of the burgh.

3.—Two rooms, about fourteen feet square, are in it, for accommodating debtors, with a black hole for criminals; but lately, since our prison has been so much crowded, the town clerk's room, which was within it, has also been appropriated to the civil debtors.

4.—The

3. Annan.

4.—The number of civil and criminal prisoners usually confined at the same time in it, on an average of the last twenty years, may be about six or seven.

5.—The number of civil prisoners have greatly increased within the last five or six years.

6.—There is not one criminal prisoner confined in Annan jail for twenty imprisoned for a civil debt or cause; besides, when criminals are imprisoned there, they seldom continue more than a night or two, until removed to the county jail.

7.—The proportion of prisoners belonging to the royalty, and of those whose residence is without the burgh's jurisdiction, is very great. The burgesses confined are ordinarily for small sums, and those without the royalty, for considerable sums; and will in point of numbers be, for the last twenty years, as one within the royalty to six without it.

8.—This burgh has not sustained much damage hitherto by the escape of prisoners for debt, during the last twenty years; although, in the course of the last thirty years, from having allowed the benefit of open jail to a prisoner (though a common practice in almost all the burgh jails south of the Forth), the town was subjected, after a long and keen litigation, for payment of upwards of two thousand pounds, which, with law expenses, did not amount to less than 2,500*l.* before it was finally settled. This burgh has lately been prosecuted for the escape of a prisoner, through the insufficiency of the jail, but from which, owing to particular circumstances, the court of session assoilzied them. Another action was lately brought in the court of session against the burgh, for a large sum, on account of a prisoner having made his escape by means of a blacksmith's large forehammer, which had somehow been privately conveyed into the prison. This action is still in dependence, but sleeping. The jailers cannot be charged with carelessness in these escapes. Since the first, the jail has been considerably repaired and secured, but not so sufficiently as to defend it against a smith's forehammer, when applied as that just mentioned was; namely, the jail being under the belfry and clockhouse in the dead of night, while the clock was striking twelve, the prisoner applied the hammer to the staunchels of the window during the striking, and in the course of it an opening was made, which admitted the prisoner's escape.

9.—The burgh pays an annual salary to the jailers of 16 *l.* over and besides jail fees, which they charge debtors with at the rate of fourpence a night; but many of the debtors imprisoned evade payment of it through inability. These jail dues are considered the keeper's perquisite.

10.—The jailer finds caution to the burgh, to the amount of 200*l.* sterling.

11.—It has cost the burgh at the least 300*l.* sterling for upholding and keeping the jail in repair during the last twenty years, exclusive of jailer's salary; and these expenses have considerably increased of late years; and it is not improbable, that in the course of a very few years, it will become necessary to rebuild the jail anew.

12.—The ordinary annual income of the burgh may be near 600*l.* and arises from feu-duties, land and house rents, fishing rents, and town customs; and these are all on the decline within the last three years. The interest of money, with the expenses of widening, paving and lighting the streets, making a convenient access to the port, and the repairing the breast-work and landing-place, together with the salaries payable to the municipal officers, exhaust the whole revenue, and leave very little for repairs, and nothing for improvements.

Benj. Nicholson, Prov^{t}.

4.—ANSTRUTHER (EASTER.)

4. Anstruther (Easter.)

1.—THE jail of this burgh is not sufficient for the accommodation and secure custody of civil prisoners; and there is only one cell for criminal prisoners, which is secure, but very insufficient as to accommodation and comfort.

2.—It was built at the expense of the burgh. The town hall and council room were repaired in 1807, at the expense of about 300 *l.* The jail, properly so called, consists only of the cell above-mentioned, with a room above, which is intended to be fitted up and repaired for a debtor's room; they adjoin the town hall, and will cost about 100*l.* to repair the same.

3.—Answered by the two former.

4.—There has been very few prisoners in this burgh for the last twenty years, either civil or criminal.

5.—Within the last nine months there have been three persons committed for civil debts, which are more than for twenty years preceding.

6.—The number of prisoners being so few, no proportion can be struck between the civil and criminal.

7.—Of the number mentioned in the 5th answer, two belonged to the burgh, and one was brought from beyond the jurisdiction of the burgh.

4. Anstruther (Easter.)

8.—This burgh has not sustained any loss by the escape of prisoners for debt, during the last twenty years; but they might easily make their escape, if so inclined.

9.—The jailer is generally paid fourpence per day for each debtor, either by the debtor himself, or if he claims the benefit of the act of grace, this must be paid by the incarcerating creditor. From the few prisoners, the income of the jailer cannot be rated.

10.—The jailer, who acts also as town officer, finds no caution.

11.—There has been little or nothing laid out on the jail for the last twenty years, except the repairs mentioned in the answer to the 2d query, as laid out upon the town hall and council room, and the sum specified intended to be laid out upon repairs in the ensuing summer, if funds can be obtained.

12.—The annual income of this burgh may be rated at about 65 *l.* which arises from the shore dues and customs upon ships and goods, and has been stationary for several years. The contingent expenses of the burgh for town clerk, town officer, &c. may be rated at 25*l.* leaving only the sum of 40 *l.* applicable to the repairs of the harbour, streets, and public buildings.

David Rodger, jun.
Chief Magistrate.

5.—ANSTRUTHER (WESTER.)

5. Anstruther (Wester.)

1.—BY no means, if there were any prisoners; but there are few or none.

2. The place used as a jail for this burgh is in the steeple attached to the parish church, which appears to belong equally to the town and to the kirk session. It may be added, however, that one of the late magistrates of the burgh having left a small legacy to the town, they built a town hall, for the purpose of holding their council meetings in, &c. but they by no means fitted it for a jail, the upper flat being used as a court house and town hall, and the lower flat as a school and a dwelling house for the town officer.

3.—Very bad accommodation; there being no fire-place, &c.

4.—Few or none.

5.—No.

6.—There have been no criminal prisoners.

7.—The answers above apply to this query.

8.—There have been no escapes.

9.—The jailer is paid by the town, and receives 25 *l.* of yearly salary, as town officer and jailer.

10.—The jailer does not find caution.

11.—There has been little or no repairs.

12.—The income of the burgh may amount to from 40 *l.* to 45 *l.* yearly; and the annual expenditure, consisting of the expenses of upholding piers, town hall, streets, salaries to town clerk, treasurer, and town officer; missive and eque dues, and expense of burgh member to the convention; entertainment at annual election and King's birthday; minister's stipend, and schoolmaster's salary, postages of letters, &c. &c. &c. exhausts the whole income; and it is only with great economy that the one can be brought to meet the other.

George Dishington, Baillie.

6.—AYR.

6. Ayr.

1.—THE jail is not sufficient; but an act of parliament has been obtained by the county for a new jail, which is now fast erecting, and to the expense of which the town contributes a proportion.

2.—The jail was built by the town; but it stands connected with a court house or town-hall, and the expense cannot be distinguished.

3.—The accommodation, is 5 places for criminals, one only for debtors, and not well aired or commodious.

4.—The number of prisoners, particularly of late, very considerable; 23 civil and criminal on an average.

5.—They have encreased very much of late years.

6.—The civil usually bear to the criminal prisoners in proportion as 8 is to 15.

6. Ayr.

7.—Far the greatest proportion of civil and criminal prisoners come from the county, at the least 3-4ths.

8.—The town have sustained loss in one case by the escape of a man, Thorpe; they lost 1,500*l.* His escape was made by cutting the iron stanchells of the window.

9.—Jailer paid by the town and county; 35*l.* by the town and 15*l.* by the county, in all 50*l.* of salary. The town also pay 50*l.* for four town officers, who act as under-jailers.

10.—The jailer finds caution. It was formerly 500*l.* now it is 300*l.*

11.—The expense yearly has been great, owing to the insufficiency of the prison, and is still increasing; but the particular amount of repairs yearly it would be difficult to state.

12.—The annual income of the burgh is from 1,600*l.* to 1,700*l.* sterling, arising from annual customs and heritage; and the revenue has been increasing yearly, but the expenditure is also great.

6 April 1818. *Alex. Murdoch*, Town Clerk.

7.—BANFF.

7. Banff.

1.—THE jail in the burgh of Banff is sufficiently secure for the custody of the civil and criminal prisoners confined therein, but not sufficiently commodious; it would require at least two more criminal cells for solitary confinement, and one larger apartment with a fire-place for confining persons for light offences, and for occasional enlargement, as the state of the prisoners health or other circumstances might warrant; two or more apartments for civil prisoners would also be requisite, so that the men and women might be kept separate, or in cases of sickness.

2.—The jail is connected with a court house, county hall, record office, and other buildings. It was built entirely new in the year 1797 and 1798, at an expense of 3,810*l.* 0*s.* 5*d.* of which the landed proprietors of the county paid 940*l.* 7*s.* 2½*d.* the remainder was paid by the burgh of Banff.—It is not easy to distinguish the expense properly belonging to the jail from the other parts of the building, but it is supposed to be about 700*l.* or 800*l.*

3.—The accommodation is, two pretty large rooms for civil prisoners, with fire places; and two cells smaller in size for criminal prisoners, but they have no fire places. When there are few civil prisoners, the criminal get access to one of the larger rooms.

4.—Taking an average of the last twenty years, the number of civil prisoners confined at the same time may be about 4, and criminal prisoners about 5.

5.—The number of both is increased of late years.

6.—The proportion is as in the answer to query 4th.

7.—The proportion of the prisoners belonging to the population within the jurisdiction of the burgh of Banff, on an average of the last twenty years, is not equal to one civil and one criminal prisoner.

8.—The burgh has sustained no loss in this respect, nor has any prisoner for debt escaped during the last 20 years.

9.—There is no regular jailer; two of the town officers take the duty by weeks alternately, their salaries are 5*l.* yearly in all; no separate salaries for the jail, unless two guineas allowed them by the county on the 30th of April yearly. They exact jail fees at the rate of seven-pence each night from civil prisoners, where they can recover them, which they seldom are able to do. The officers who perform the duties of jailers, as above-mentioned, only receive 5*l.* a year, and a suit of clothes once in three years, out of the burgh funds, for all the duties they perform in waiting on the magistrates, executing their order in police, and other matters. The allowance is quite inadequate to pay a person properly qualified to do the duty of a jailer, or one who would be responsible, or find caution for his good conduct.

10.—No caution is found.

11.—The building is new and substantial, and has required but little repair. The principal repair it has yet got is harling the walls with lime, and replacing the lead on the roof, which was blown off some years ago, which cost in all about 100*l.* But there are occasionally repairs wanted about doors, locks, windows, &c. besides the expense of insuring the house against fire, and the repairs will rather increase than diminish. It would tend greatly to the comfort of the unfortunate prisoners, if a supply of water were brought into the house to carry off the filth, &c. This might be easily done, as the fountains which supply the town are higher than the roof of the building. It would farther add greatly to the health of the prisoners to have a piece of ground round the jail for a court yard; at present there is no ground belonging to the burgh adjoining the jail that can be appropriated to this purpose.

12.—The

12.—The annual income of the burgh is 393*l.* and not increasing. There is besides a sum raised annually by voluntary assessment on the inhabitants, for lighting the streets, bringing in water, &c.

George Robinson, Provost.

April 1818.

8.—NORTH BERWICK.

8. Berwick (North.) 1.—THE jail is sufficiently large, there being very few prisoners confined in it, and seldom above one at a time; but it is not very secure.

2.—It was built at the expense of the burgh about an hundred years ago; the ground floor is partly occupied by a shop and a small cell for felons, the second flat consists of the council chamber or court house; the room occupied as the jail is small, with one window and one fire place; height of the ceiling about nine feet, and does not afford great accommodation to the prisoners; there is a garret over the whole; the principal expense arises from keeping the roof in repair together with the floors, which at an average may amount to 5 *l.* per annum; the roof is at present in a very bad state, and would require a sum of about 60 *l.* to repair it.

3.—There has not been above twelve persons confined for debt for more than thirty years, and we seldom have any criminal prisoners, unless now and then a vagrant for some misdemeanor committed in the town or neighbourhood, who after examination by the magistrates, if thought culpable, is delivered over to the fiscal for the county, and removed to the county jail at Haddington; two persons of this description are at present under sentence of transportation in Edinburgh; but their number has not of late years increased.

4.—The burgh never sustained any loss by the escape of prisoners for debt.

5.—There is no jailer; when any person is incarcerated for debt, he is put under the charge of the town officer, who attends the prisoners, and receives from debtors a compensation for his trouble of four pence per diem.

6.—The annual income of the burgh is at present about 120 *l.* arising from the custom and harbour dues levied upon goods coming in or going out by sea or land, together with the dung of the streets; but after deducting the ordinary expenses and interest of money borrowed for repairing the harbour, part of which was destroyed by a storm in 1811, the tangible revenue does not exceed fifty or sixty pounds sterling, from which they have the harbour to uphold, and also the streets.

Attested by order of the magistrates.

10 April 1818.

John Kirk, Town Clerk.

9.—BRECHIN.

Brechin. 1.—THE present burgh jail of Brechin is not sufficient for the accommodation and secure custody of the civil and criminal prisoners usually confined in it. In the course of the year 1817, and several preceding years, the number of prisoners usually confined had increased considerably. There are only two apartments for criminals, and one for debtors, all on the ground floor, and into which instruments might easily be conveyed for effecting their escape. The debtors' room is only 19½ feet by 12½ feet within walls; and in this small apartment there were not less than five, and sometimes six persons confined, the greater part of the year 1817. The apartments for felons are ill constructed, damp and unwholesome; one of them without light, and at the same time insecure.

2.—The jail of Brechin is connected with the court-house and town-hall, and forms part of the same building, which was erected in the year 1789, at the expense of the burgh, and cost altogether 745*l.* 11*s.* 11*d.* The proportion of the expense properly belonging to the jail cannot well be distinguished from the rest of the building, the whole being erected together, and forming one building; but the proportion of the original expense properly belonging to the jail, is estimated at 200*l.* sterling, or thereby.

3.—The accommodation afforded to prisoners in this jail, the Committee will perceive, from what has been stated in answer to query 1st, is very limited, and such as cannot fail to injure the health of the prisoners when the jail is in a crowded state, as has of late frequently been the case.

4.—The number of prisoners civil and criminal usually confined at the same time, taking an average of the last twenty years, has, upon examination of the jail book, been found to be nine, exclusive of those petty delinquents or persons guilty of a breach of the peace, who

who happen to be sent to prison by an order of the magistrates, for such limited period as twenty-four hours, or less.

5.—The number of prisoners have increased of late years very considerably, and consequently the insecurity of the jail, and the responsibility thrown upon the community of this small burgh, has become a serious grievance.

6.—The proportion of prisoners confined for debt, and of those confined for crimes, is so marked, that an instance will not occur once in four or five years, of one person being committed for a crime here, and brought to trial by jury; though commitments by the magistrates and justices of the peace, for punishment of lesser offences for a short period, frequently happen.

7.—From the annexed schedule of prisoners names and designations, and amount of debts for which they were incarcerated, for the year from May 1816 to May 1817, the proportion will be seen betwixt those who reside within the jurisdiction, and belong to the population of the burgh, and those who reside without it, to be no less than nearly one to two, that is, nearly double the number brought from adjoining parts of the country; several from a distance, and even from other counties, to those who belong to the population of the burgh; and that out of 1,973 *l.* 8 *s.* 11½ *d.* the amount of debts for which prisoners were incarcerated here within the foresaid period, no less than 1,624 *l.* 8 *s.* 1 *d.* is the debts of prisoners *without the jurisdiction of the burgh*, and from a distance: by whose escape the funds of the burgh might have been ruined, on account of persons not belonging to the population of the burgh, and whose creditors even have no connection with it, and therefore ought to have been sent either to the county-jail, or sent back to their own counties or burghs.

8.—Only one instance of a debtor's escape has happened here within these last twenty years, which cost the burgh about 40 *l.* That escape was owing to the carelessness of the jailer; but from the situation of the jail as above-mentioned, an escape is as likely to happen by force as carelessness, the jail being by no means sufficient to secure persons willing and intending to make their escape.

9.—The jailer is partly paid by jail-fees, and partly by a small salary from the town; the jailer receives three-pence per diem from each prisoner, for his trouble and attendance upon him, which fees are at present divided betwixt two persons whom it has been found necessary to employ of late, for the better security and attendance of the prisoners. The amount of the jailer's income altogether, as jailer, will not exceed upon an average 6 *l.* 6 *s.* per annum.

10.—The burgh holds no security from the jailer, nor is the situation here such as would induce any responsible person to find security to relieve the burgh of one tenth part of the responsibility for the security of prisoners unconnected even with the population of the burgh.

11.—The average annual amount of repairs, or expense of upholding the jail, exclusive of jailer's salary, has not hitherto exceeded 1 *l.* or 1 *l.* 10 *s.* But from the increased number of prisoners, and if the magistrates shall continue to be held bound to receive all who may be presented from all quarters, and whether there may be accommodation in the jail or not, it is not the expense of upholding the present jail they would have to complain of, but the heavy expense of erecting a new jail, which neither the funds nor revenue of the burgh can afford; while the old one, with some little alteration or repair, would be amply sufficient for all debtors or criminals that might happen to be presented from among the population of the burgh itself.

12.—The annual income of the burgh does not exceed 250 *l.* taking an average of the last twenty years, which arises from feu-duties and casualties of property held of the burgh, the rents of property belonging to the burgh, and fees for entering burgesses; and although it cannot be said that the revenue of this burgh has decreased, yet it is obvious, from what has been stated, that the responsibility thrown upon them by the existing laws with regard to jails has so considerably increased of late, as to expose the funds of this burgh to be ruined in one night, on account of persons strangers to the burgh, by whom it never derived any advantage; and the vexatious and expensive law-suits which almost every burgh in Scotland has been at one time or other involved in, in consequence of the escape of debtors, to make good their debts to the creditors, has long been felt as a serious grievance by the burghs, and is apparent upon the records of the supreme court of the country as a source of daily disputation and complaint, and obviously a great grievance to the royal burghs of Scotland, to which there is no similarity of grievance in any of the towns of the sister kingdom; and the magistrates of this burgh are humbly hopeful, that the Committee of the Honourable House of Commons will be able to point out such general regulations on the subject as ought to pass into a law, for affording that relief which the peculiar hardships arising from the existing laws impose upon the whole royal burghs of Scotland.

Upon examining the jail-book of this burgh, in order to ascertain the average of prisoners usually confined here for these last twenty years, as stated in answer to query 4, it has been ascertained, that the extent of debt for which debtors were imprisoned within that period, is 7,914 *l.* 3 *s.* 8 *d.* or at an average 395 *l.* 14 *s.* 2 *d.* per annum, for these last twenty years, a sum far exceeding the average annual revenue of the burgh; and that out of 180

N° 2.
ANSWERS
TO QUERIES.

9. Brechin.

persons imprisoned for debt within said twenty years, only 66 of that number actually belonged to the population of the burgh. These facts sufficiently demonstrate the weight of the grievance complained of by the Royal burghs, and that both justice and equity call for their relief in the matter complained of.

Brechin,
31st March 1818.

David Guthrie, Chief Magistrate;
the Town Clerk indisposed.

SCHEDULE referred to in the foregoing ANSWERS.

Prisoner's name and designation.	Date Of Incarceration.	Amount of Debt for which incarcerated.		Date Of Liberation.	N° of Miles of Prisoner's usual abode from Brechin.
		Pertaining to the Burgh.	Without the Burgh.		
		£. s. d.	£. s. d.		
1. James Watt, in Bankhead, Ardoch - - -	28 May - 1816	- - -	12 — —	14 July - 1816	15 miles.
2. James Kinnear, shoemaker, Brechin - - -	31 May - 1816	21 19 8	- - -	12 June - 1816	——
3. Charles Jack, merchant, Peterhead - - -	14 June - 1816	- - -	157 10 —	2 Dec. - 1816	Peterhead.
4. Alexander Fairweather, Brechin - - -	4 July - 1816	26 — —	- - -	6 July - 1816	——
5. Thomas Jamieson, Greenden	4 Sept. - 1816	- - -	7 9 1	17 Sept. - 1816	3 miles.
6. James Lindsay, shoemaker, Brechin - - -	10 Sept. - 1816	10 — —	- - -	16 Sept. - 1816	——
7. George Wilkie, in Muirhead	12 Oct. - 1816	- - -	54 — —	14 Oct. - 1816	10 miles.
8 & 9. James Inverarity & John Clark, Brechin - -	14 Nov. - 1816	17 2 —	- - -	14 Nov. - 1816	——
10. James Moris, tinsmith, Brechin - - -	7 Dec. - 1816	17 10 —	- - -	27 Dec. - 1816	——
11. Francis Reay, vintner, Brechin - - -	7 Dec. - 1816	10 — —	- - -	16 Dec. - 1816	——
12. James Thomson, butcher, Brechin - - -	18 Dec. - 1816	19 1 9	- - -	27 Dec. - 1816	——
13. Charles Black, blacksmith, Brechin - - -	16 Jan. - 1817	222 13 11½	- - -	20 Feb. - 1817	——
14. Joseph Stewart, baker, Brechin - - -	20 Jan. - 1817	4 13 6	- - -	21 Jan. - 1817	——
15. Thomas Rattray, Mains of Cairnballock - - -	23 Jan. - 1817	- - -	500 — —	- - -	Aberdeenshire.
16. James Rattray, in Barnyards	24 Jan. - 1817	- - -	500 — —	- - -	8 miles.
17. James Christie, in mill of Syde - - - -	31 Jan. - 1817	- - -	118 14 2	18 March 1817	4 miles.
18. John Hanton, Braeside Burn	4 Feb. - 1817	- - -	8 19 9	27 Feb. - 1817	Kincardineshire.
19. David Lyall, in Bogton -	1 Feb. - 1817	- - -	48 19 4	13 May - 1817	6 miles.
20. Wm Kinnear, now in Chapelshade, Dundee - -	4 March 1817	- - -	71 14 8	29 May - 1817	Dundee, 28 miles.
21. William Dakers, at Newtonmill - - - -	11 March 1817	- - -	3 16 —	13 March 1817	4 miles.
22. Robt Wood, in Nether tenements, Caldhame - -	17 March 1817	- - -	8 19 5	8 April - 1817	Without Royalty.
23. David Hanton, Burn of Keithock - - -	2 April - 1817	- - -	15 7 2	16 April - 1817	2 miles.
24. James Mitchell, Nether tenements, Caldhame -	17 April - 1817	- - -	15 3 —	- - -	Without Royalty.
25. Thomas Smart, in Hunthill	22 April - 1817	- - -	31 15 6	22 April - 1817	20 miles.
26. Robert Anderson, Mains of Balfour - - -	3 May - 1817	- - -	50 — —	3 May - 1817	10 miles.
27. James Christie, in mill of Syde - - - -	12 May - 1817	Same debt as formerly committed for N° 17.		22 May - 1817	4 miles.
28. David Dakers, manufacturer in Nether tenements of Caldhame - - -	17 May - 1817	- - -	20 — —	- - -	Without Royalty.
	£.	349 — 10½	1,624 8 1 349 — 10½		
	TOTAL	- - £.	1,973 8 11½		

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ANSWERS
TO QUERIES.

10. Burntisland.

(10.)—BURNTISLAND.

1.—THE jail is not sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein.

2.—The jail was originally built at the expense of the burgh, and is kept up by it; a court house and town hall are connected with it; the jail consists of an iron house, that is an apartment laid in the bottom with large stones, air holes in the walls, and an iron door made in the form of a window frame, inside of the outer door, for the purpose of securing criminals in; immediately above this, a place was fitted up sometime ago for confining debtors in, and when it happens to be a person of some respectability, is usually allowed the accommodation of the court house, the only place formerly used for that purpose. The actual expense incurred in the erection of the jail cannot be at present ascertained with accuracy, but supposed to amount to about 300*l.* sterling.

3.—This is answered in the answer to query 2.

4.—One prisoner for criminal, and one for civil.

5.—The number have increased of late years.

6.—The civil usually bear the proportion of two to one to the criminal prisoners.

7.—The proportion of the prisoners usually belonging to the population within the jurisdiction of the burgh, is one to two.

8.—The burgh in one particular case, within the last 20 years, lost about 20*l.* sterling, owing to the escape of a prisoner, aided by some people outside of the prison, and forcing away some of the iron bars.

9.—The jailer is paid four-pence each day for each prisoner; and the amount of his income as jailer, may be about two pounds sterling yearly.

10.—The jailer for time immemorial has never found security.

11.—The annual average amount of repairs, and other incidental expenses attending the jail paid by the burgh, exclusive of jailer's salary, taking an average of the last twenty years, is ten pounds sterling, and still increasing.

12.—The annual income of the burgh is 300*l.* sterling, and principally arises from the anchorage and beaconage paid by vessels coming into and taking the benefit of the harbour of Burntisland, shore dues paid on goods loading or discharging, two-pennies on the pint of ale brewed or imported into and vended in the burgh, dung of the streets, feus and a few other trifling articles; and has, within these last twenty years, fallen off very much; and the harbour and streets, owing to this circumstance, in great disrepair. The interest of money borrowed by the town, minister's stipend, and salaries, exhaust almost the whole of the income, and effectually preclude the magistrates and council from putting the repairs absolutely necessary on the harbour and streets.

By order of the Magistrates,
18 April 1818. *And^w Hutchison*, Town Clerk.

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11. Campbletown.

(11.)—CAMPBLETOWN.

1.—THE jail in this burgh is not nearly sufficient for the accommodation and secure custody of the civil and criminal persons confined in it.

2.—It was built in the year 1747, by assessments upon the inhabitants, with the aid of a voluntary subscription. It is connected with a court-house and town-hall, and the whole might cost originally 750*l.*

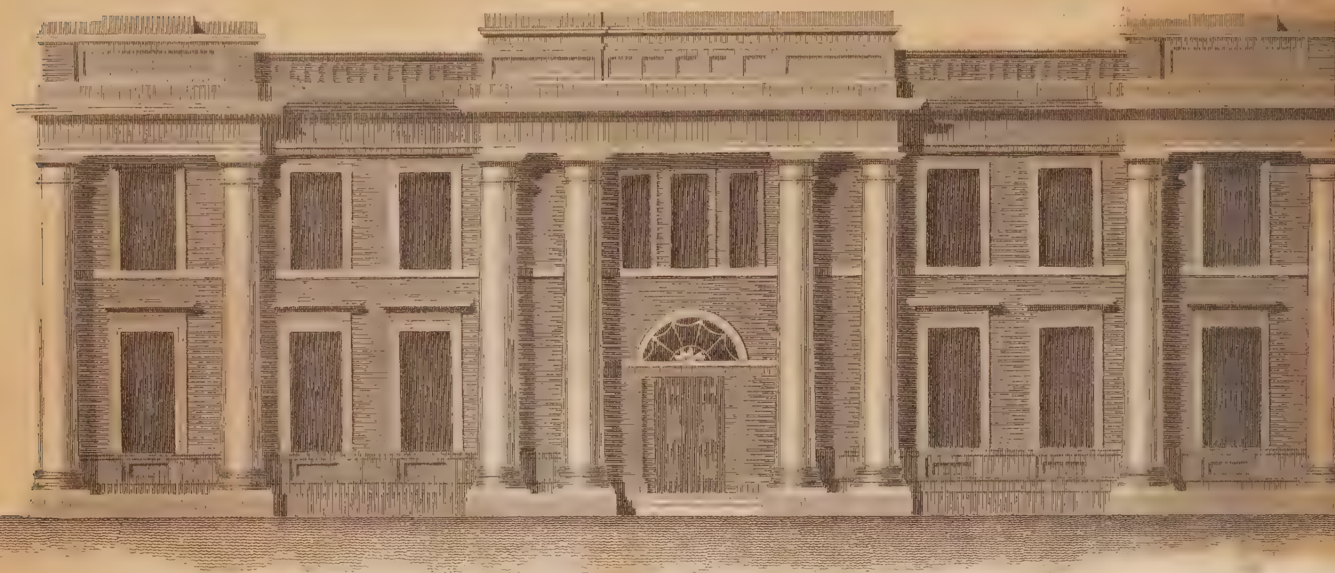
3.—The accommodation is one large room up two pair of stairs for debtors, but there is no division in it. There are four apartments on the floor, two of them vaults, arched above, and two of them small but rather superior in accommodation, for those charged with slighter offences.

4.—The number of prisoners, civil and criminal, usually confined at the same time, has varied from four to twelve.

5.—The numbers have increased of late years; and in the period between the 25th May 1816 and 26th May 1817, there have been in jail

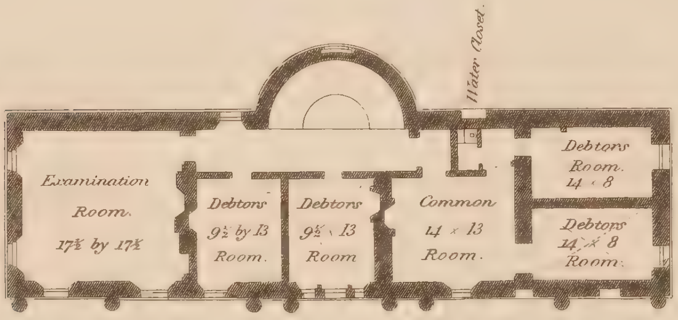
Civil Prisoners - - - - - - - - -	27
And Criminals - - - - - - - - -	37
	64

6.—The general proportion which civil usually bear to criminal prisoners, is about one third of the former, although in the year referred to, they have a greater proportion.

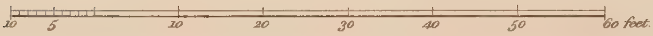


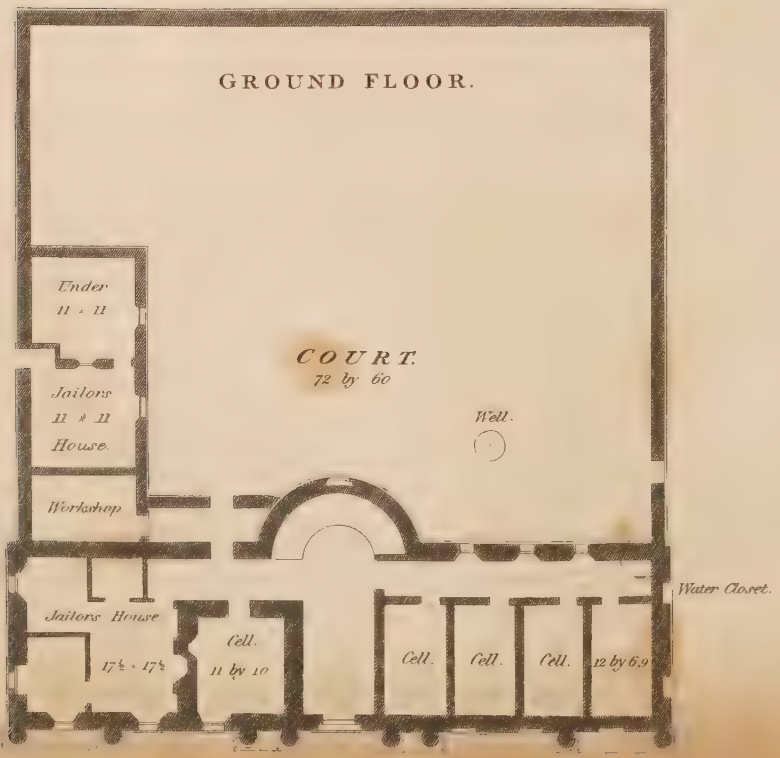
J. Gillespie, Arch.t

PRINCIPAL FRONT of the proposed PRISON for CUPAR.


Water Closet.
Examination Room. 17½ by 17½
Debtors 9½ by 13 Room.
Debtors 9½ × 13 Room
Common 14 × 13 Room.
Debtors Room. 14 × 8
Debtors 14 × 8 Room.

FIRST FLOOR.


10
5
10
20
30
40
50
60 feet.


COURT.
72 by 60
Well.
Under 11 × 11
Jailors 11 × 11 House.
Workshop
Jailors House
17½ × 17½
Cell. 11 by 10
Cell.
Cell.
Cell.
12 by 6.9
Water Closet.

GROUND FLOOR.

Ordered, by the HOUSE OF COMMONS, to be Printed, 22nd. May 1818.

J. Bas

Luke Hansard & Sons.

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ANSWERS
TO QUERIES.

12. Cupar.

12.—The annual income of the burgh is 800*l*. It arises from rent of land belonging o the burgh, the petty customs paid, and feu duty for the town's mills, and for a large muir feued 100 years ago. It has considerably fallen off of late, the lands being mostly out of ease, and have let at 50 per cent. lower than the former leases.

Cupar-in-Fife, 30 April 1818. *James Carstairs* & Son,
Town Clerks.

NARRATIVE relating to the Jail of CUPAR; with hints as to the Improvement of Jails in general, submitted to the consideration of the Convention of Royal Burghs.

Unto the Honourable the Convention of the Royal Burghs of Scotland.

Gentlemen,

THE assistance which the Royal Burghs gave the town of Cupar when building their new jail, the public interest it excited, and its being among the first considerable improvements attempted to ameliorate the state of the Scots jails, have induced me to submit to you a short narrative of the late and present state of their jail.

The state of the Scots jails in general being very faulty, and inadequate for the purposes for which they are intended, I have subjoined some hints of their wants, and suggested sundry improvements on them. I am aware that nothing short of legislative interference can make any radical reform. I trust you may be induced by the few hints thrown out, to take such measures as you may conceive best to carry into effect some general plan for the proper management of the Scots jails. I beg leave to assure you, that nothing but a consciousness of the importance of the subject to the public and the royal burghs, could have induced me to trespass at such length on your attention, and which I trust will be to you a sufficient excuse. I have the honour to be, Gentlemen,

Your obedient humble servant,
Cupar, 1st July 1816. *J. Fergusson.*

NARRATIVE of the late and present state of the Jail of CUPAR; and Hints as to the faults of the Jails of Scotland, and modes proposed to improve and ameliorate them.

THE state of the Prisons of Scotland having been long a subject of general complaint, the writer was induced, from the conviction that they admitted of much reform, to turn his attention to the means of improving a jail which had been for some years under his superintendence. The different circumstances connected with the carrying this measure into effect, led to an inquiry into the state of the Scots jails in general; and if the hints that may be hereafter thrown out, shall induce the other counties and burghs of Scotland, either to improve their jails individually, or to adopt any general measure for the better regulation and management of jails in Scotland, the writer will consider the trouble of many years most amply rewarded.

The old jail of Cupar, which was the principal place of confinement for a county containing a population of upwards of 100,000 persons, consisted of two places for confining criminals, on the ground floor; both of them under the street, both damp and unhealthy: one of them, which had not been used for many years, was a room in which there was no light of any kind, and the only opening was a hole through the arch of the cell, by which the prisoner was let down from the room above, and this was afterwards shut by a stone made to fit the aperture. The other, commonly called the Thieves Hole, was often used, and had sometimes more than one occupant, and that for a long time, often during winter. It had neither light, fire-place, necessary nor bed; the prisoners had no bed-clothes, nor any opportunity of changing their apparel; they lay on straw strewed on the ground. A man of ordinary size could not stand upright in it. It had an iron-grated door, and within that a wooden one, through which a small hole was cut, into which the *provisions* for the *persons* confined were thrust.

The room above these two apartments, and which was the principal criminal prison, was a large dark vaulted room, without a fire-place, bed, or necessary; in which all the criminals, committed either for examination or for trial, were indiscriminately placed. The Assizes being held but twice a year, criminals often lay during the whole winter in this place. They had straw placed on the pavement to lye on: if they were refractory, or escape dreaded, they were chained to rings that were fixed round the room, from which they could move about three feet. If women, or persons supposed to be of a quiet disposition were confined, they were allowed to walk through the room; but this was entirely discretionary of the jailer, there beng no regulation for his conduct. There had been a window in this room, but from the frequent escapes of prisoners it was built up. To light this room there was only a hole in one side of it, about nine inches square, and a slit in the other about thirty inches long and two wide, in the middle of which was an iron bar. In the daytime, on first going into the room, it required some time to distinguish the faces of those confined. These holes were not glazed. The prisoners, if they found these apertures cold, stuffed them with straw.

N° 2.
ANSWERS
TO QUERIES.

12. Cupar.

In the third story were two apartments intended for debtors, but which were, from the confined state of the prison, often used for criminals, and for men and women indiscriminately. In each of these there was a fire-place and a window, three wooden beds, blankets, and a straw mattress. There was no necessary nor convenience of any kind, except a tub, common to all the occupants, and a jaw hole, through which water could be poured out into the middle of the high-street.

The jailer, for his care and attention, was paid by the county two pounds, by the town about eight pounds per annum; he had three-pence a night for debtors, and sold spirits and ale to both criminals and debtors. There was no water in the prison; and what was required for the use of the prisoners was furnished by the jailer, at such time and in such quantity as he pleased to give them.

The description of the old jail cannot be more appropriately concluded than in the words of a zealous advocate for the erecting of the new jail. The Rev. Dr. Campbell, in the Statistical Account of the Parish of Cupar, thus describes it: " The prison of Cupar, which is " the public jail for the very populous and wealthy county of Fife, yields, perhaps, to none " in point of the meanness, the filth and wretchedness of its accommodations. It is in truth " a reproach to the town in which it stands, a disgrace to the county which employs it, and " a stain on that benevolent and compassionate spirit which distinguishes and dignifies this " enlightened age, and which has led it kindly to attend to ' the sorrowful sighing of the " prisoner,' to meliorate his situation, and soothe his woes. How would the feelings of " the benevolent Howard, who with unparalleled activity, and astonishing perseverance, " unshaken and unterrified, like a kind angel, went through every land demanding and " obtaining comfort to the wretched, and liberty to the captive,—how would his feelings " have been shocked if, in his compassionate tour, he had turned aside into the peninsula of " Fife, and visited the cells of Cupar!!"

The criminal prisoners were maintained by the county rogue-money, at the rate of sixpence per day each: this was generally laid out in bread, and given to the prisoners; no difference was made in the allowance, whatever might be the price of bread, so that sometimes criminals were allowed double the quantity of food they were at other times. There was no regular medical attendant on the prisoners, nor was there any allowance for one: a very respectable medical gentleman (now dead) *attended* generally gratis.

This was the situation of the jail of Cupar before the new one was built. And it may not be improper here to mention, that, with the exception of the jail of Dunfermline, Cupar was the best in the county. All the other jails, amounting to fourteen, are mean, insecure, and miserable in the extreme.

The jail being in this wretched state, and the funds of the burgh being inadequate to build a new one, the magistrates consulted a nobleman, not more distinguished for his public than his private virtues; and by his advice presented a petition to the heritors of the county of Fife, explaining the situation of the jail of Cupar, and requesting the county to assist them in building a new one.

The county, having deliberated on this petition, resolved that they should contribute to build a new jail at Cupar, for the county of Fife and the burgh of Cupar. An application was made to Parliament; and, after a long dispute in both Houses of Parliament, a bill was obtained, assessing the county of Fife in 4,000*l.* for building a new jail. Owing to a train of unfortunate disputes, with which the business from the beginning was involved, nearly one third of the sum was required to defray the law and other expenses incurred in obtaining the act; and for which, in the act obtained, no provision was made. With the remainder of the sum, and of 1,000*l*, contributed by the burgh of Cupar, the commissioners proceeded to build the new jail.

The new jail, as will be seen from the plate accompanying this narrative, is a very handsome Grecian structure, designed by James Gillespie, Esq. architect in Edinburgh, and when designed was intended to front the principal street of the burgh, and to be a termination to a new street, proposed at that time to be opened from the cross of the burgh to the eastward. I think it proper to mention this, to account for the elegant exterior, which to the view of strangers may not correspond with the ideas commonly attached to prisons, and which in its present situation appears entirely misplaced. The placing of the jail on the site originally proposed was essentially connected with the improvements of the burgh, but as the change arose from disputes of a local nature, foreign to the present narrative, I do not feel myself called upon to enter into any detail of them; it may be sufficient to remark, that the first situation was the original and unanimous choice of the county and burgh. The jail is 80 feet long by 23 broad; it contains five cells on the first floor, one of the cells has a fire-place, and is intended for such criminals as may be sick, or whom circumstances may render it improper to allow communication with the others; and three apartments for the jailer. In the upper floor is a large common room for debtors, and four sleeping rooms, and an apartment for examinations. Behind, there is a large walled court-yard, intended for the air and exercise of the prisoners. The area around the jail, consisting of nearly one half of an acre, and inclosed with a paling, is also used as a place of exercise for such debtors as find security to the magistrates not to go without the paling. There is a plentiful supply of water in both flats, and water-closets in each of them. The cells are 12½ feet long, and in breadth 6 feet 9 inches; there is a passage in which the criminals are allowed to walk during the day;

they

N° 2.
ANSWERS
TO QUERIES.

12. Cupar.

they are lighted from the passage through the grated iron doors; they are furnished with an iron bed with a hoop iron bottom, a straw mattress, blankets, and a stool; the bed stands at the further end of the cells from the door, and opposite to it.

The present jailer has a salary of 20*l.* 10*s.* one half of which is paid by the town, and the other half by the county; he receives 4*d.* per night for debtors, and for this the burgh furnishes bed and bed clothes, and the jailer his attendance. He receives also from the incarcerating creditor 2½ per cent. of booking money; but as debtors are generally booked for small sums, his emoluments are not considerable. In the Appendix (A.) are the regulations and the different fees of the jail. The faults of our prison are, the jailer is inadequately paid for his care of the criminals; their superintendence is more difficult and more disagreeable than that of debtors, and he only receives for his care 10*l.* from the county, as before stated. Another fault is the want of a day-room, large enough to accommodate such of the criminals as could be allowed to consort together, and where they might work, and cook what they require: at present, criminals spend the greatest part of their time in bed; this is one of the worst effects of confinement; a listless idleness is induced, which often brings them back to their former situation, finding it easier to steal than to work. The new prison wants a stove or flue to heat the cells, which being without fire-places, and situated on the ground-floor, are exceedingly cold during the winter months. There is as yet no medical attendant; and the mode of maintaining the criminal prisoners remains in the new jail, on the same footing it was in the old jail. I mention these faults, in the hope that some of the heritors of this rich and populous county, may be induced to get them remedied. With these exceptions, the Cupar jail is one of the best in Scotland.

Having thus stated the late and present condition of the jail of Cupar, I have been induced to submit the following hints of what I conceive to be the best mode of improving the jails of Scotland, and a mode which I trust will afford general satisfaction to the public, and relieve the Royal Burghs from the burdens at present exclusively borne by them. It appears, that from a very early period, the burghs have been burdened with almost the whole expense of keeping up jails, and also made responsible for the safe custody of the persons confined in them, although the jails were common to the neighbouring district, and in some cases, to the whole county in which they were situated. Indeed a much greater latitude has been in use with respect to debtors, who have been removed from one county to a jail in another, or in the same county, past the nearest prison to one preferred either by the debtor or by the creditor; and by this means, an additional hardship has been imposed on the royal burgh *thus* favoured.

The Scots Parliament has passed several Acts regulating jails, the most of which countenance the liability of the burghs for escapes. It is sufficient for the present purpose to notice the act passed in the reign of King James the Sixth, cap. 277. "Our Soveraine "Lorde, and Estaites of this present Parliament, understanding that, for want of sufficient "and sure prisones, jailles, and warde-houses, sindry rebelles and transgressours of the "lawes, alsweill criminal as civil, escapis unpunished, and justice contemned; for remeid "quhairof, our Soveraine Lorde and Estates, hes statute and ordained, that, within the space "of three zeires, in all burghs within this realme, there be sufficient and sure jailles and "ward-houses bigged, up-halden, and maintained, be the provest, baillies, councell, "and communities, of the said burrowes, upon their awin commoun gude, or utherways "upon the charges of the burgh: and that for sure imprisoning, warding, keiping, and "deteining of all sik persons, transgressours of his Hieness lawes, upon their awin expenses, "alsweill criminal as civill, as sall be presented unto them, be the schireffe of the schire, "or stewardes and baillies of regalities, within the quhilk the saids burghes ar situate, and "specially quhair their judicatory sitts: and alswa all uthers persons presented aither to "warde, be verteu of their awin authority within burghes, or utherwayes upon letters of "caption directed to them."

It does not however appear, that in consequence of this act, or the other acts upon this subject, sufficient jails were ever built; and it is evident, by an act passed in the first Parliament of Charles the IId. cap. 38th, that the want of proper prisons was much felt, and that an instruction and commission was given to the justices, to report to his Majesty's Council, that an order might be given to build jails in the head-burgh of each shire; it does not however appear, that any thing was done in consequence of these instructions. The clauses on that subject I have introduced, because they tend to show, that the burghs were to be relieved, as well of the building of the jails as of the maintenance of the prisoners: viz. "The said justices shall take notice in all sheriffdoms, where there are any gaols and "prison-houses within any burgh, that the same may be kept up, and not suffered to decay "or become ruinous, and if there be any shire where there is not any jail or prison-house, "they shall inform his Majesty's Council thereof, that they may appoint and give order "for building of one within the head burgh of the shire, and according to the directions "to be given thereanent, the justices shall be holden to proceed."

"And because there may be a great many of prisoners apprehended and committed, "who having no means of their own for their maintenance and entertainment, will otherwise "famish and starve before they can come to their trial, who not the less in regard of their "crimes, can no wayes be put under surety, or otherways, in faults of less consequence, "are unable to find sufficient caution to be made forthcoming and answerable at the next "session; therefore it shall be lawful to the saids commissioners and justices, at their

"quarter

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"quarter session, to rate every paroch for a weekly proportion for the entertainment of those poor prisoners, providing they do not exceed the sum of five shillings Scots money at the most, nor under one shilling at the least; which sum shall be uplifted for that use by the minister or reader, who shall serve at every paroch, from such deacons who shall be appointed to collect the same; and the said sums to be delivered by the constables of the paroch at the quarter sessions, in presence of the whole bench then convened, to such persons as the saids justices shall trust therewith; and who accordingly shall make due account in paying the jaylors such rates as shall be allowed for the poor prisoners, and making the rest forthcoming for such use and intent of the like nature, as the saids justices shall appoint."

"All magistrates of burghs, and keepers of any gaols or prisons, shall receive into their prisons, all such persons as either shall be brought by constables or sent unto them by warrands, under the hand of any one justice of the peace, the saids justices causing satisfie for their entertainment; and if any magistrates or their jaylors, suffer any persons, committed by the justices to their prisons, to escape, they shall be condignly punished therefor, at the discretion of his Majesty's Council."

Jails seem to have remained without much alteration until the abolition of the heritable jurisdictions in 1746. It seems extraordinary that the burghs took no steps at that time to relieve themselves of the additional burden which the abolition of the baronial jurisdictions must have occasioned by the increase of prisoners. In the act, Geo. IId, cap. 43, provision is made for the regulation of the prisons belonging to heritors having criminal jurisdiction, and it is ordered, that the regulations mentioned in the act, should be carried into effect. It does not appear however, that any of the regulations of that act were ever enforced. The jails of the barons appear to have gone into total disrepair and disuse, and the whole expense of upholding the jails has, since that period, been borne by the burghs. In the Appendix (B.) will be seen the clause of the act 1746.

The jails of Scotland, with the exception of a very few, and those are lately built, are wretched, mean, and insecure. The poverty of the burghs, and other causes, have prevented, and must continue to prevent any radical improvement. Nield's account of the jail of a great northern burgh will suffice as a sample, although by no means a favourable one, of the whole. "He *thus* mentions the prison of Aberdeen as a focus of disease, where the inhabitants are pent up and surrounded by an atmosphere of pestilence, from which they have no power to escape. Whoever visits the jails in Scotland will, generally speaking, be forcibly struck *with that destitution* which Hooker declares to be such an impediment to virtue, as, till it be removed, suffereth not the mind of man to admit of any other care. The whole prison is filthy to a degree, that cannot be described but by an eye-witness. In a word, it is hardly possible to form an idea of this dreary recess of human wretchedness, or to conceive how it should be tolerated in a civilized country."—Various proposals have at different times been made for regulating and improving the Scots jails, and several burghs have brought forward sundry plans for that purpose. The matter has been at different times before the convention of royal burghs, and latterly has been brought before them every year. The difficulties attending the case, however, have prevented the convention from, as yet, coming to a determination upon the subjects. The matter has also occupied the attention of the court of session; and the late Lord Swinton prepared an act of sederunt for the better regulation of jails, and management of the prisoners. It does not however appear that any thing took place in consequence of the act of sederunt proposed; doubts having been entertained whether or not the court of session had any authority to make such regulations. The fees paid by debtors, and the sum allowed for booking-money, seem, from the reports made to the convention, to vary in almost every burgh; and although an attempt has been made by the convention to assimilate the fees in all the burghs to that of Edinburgh, it is believed that no such assimilation has taken place, and it is doubted how far the burghs can of themselves make such alterations. The doubts entertained upon these subjects, and the great losses sustained by the burghs, by the escape of prisoners (see Appendix C.), the inadequate funds they have to build or maintain such jails as the increased population and the change of times require, render it an inquiry of great importance to the public, and of much interest to the burghs, to consider in what way the jails of Scotland should be built and upheld in time coming. It seems agreed on, on all hands, that a radical change should be made on the Scots jails. The favourable reception the Cupar Jail Bill met with, and the speech delivered by a high Law Authority on that occasion, leads me to believe, that any alteration that would embrace the melioration and improvement of the Scots jails, would meet with support in Parliament. It does not appear practicable, by any mode, to make any other than temporary and trifling improvements, except by the authority of Parliament; and taking it as agreed on, that a change should be made, it comes then to be a question, Who should bear the expense?

The jails of England are built and upheld by the county rate; and it is difficult to conceive upon what principle a different plan should be followed in Scotland. It seems to be reasonable, that the population that receives the benefit of the jails should contribute to pay the expense of building and upholding them. The counties are as much interested in the measure as the burghs; and perhaps an assessment on the same principle, and by the same proportion by which the land tax is paid by each, would be an eligible mode to be adopted. It would however be an after consideration, the mode of raising the money for building and upholding the jails, the principle as to the contribution being recognized.

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The principle however is so obviously just, and rendered so necessary by the impossibility of effecting the object desired in any other way, from the situation of the burghs, already explained, that in what I shall afterwards state, I shall consider this point as settled. It would be superfluous to have large prisons in every burgh; and perhaps in large counties one prison would suffice. In smaller counties a prison should be built at the joint expense, and in the most central place of the district. Some objection to this occurs in the case of debtors, who may thus be removed far from their families and connexions, and from those interested in relieving them. This objection is more plausible in appearance than in reality: Debtors confined in prison in Scotland are not maintained by their friends or families, but by the creditor who incarcerates them; and they are invariably allowed by the magistrate a sum of money considered to be equivalent to their maintenance. The transmitting them is not at their expense, and in as far as they are concerned, cannot be taken into the view as a matter of hardship: and it may be fairly presumed, any disadvantage arising from distance or otherwise, will be much more than made up by the additional convenience and comfort attending a larger and better regulated jail, enjoying the privilege of the court-yards and airing grounds, and being nearer legal advice. Indeed I am confident, as has been witnessed in the case of Cupar jail, that debtors would, if they had a choice, rather be taken to a district jail, than be confined in a miserable hole in their own town, or in their immediate neighbourhood. For the temporary confinement of persons for a night, a strong room might be made, where they could be kept till removed to the county or district jail; and the authority of Parliament would be required to authorize the burgh magistrates to commit to the county jail persons apprehended under their warrant.

The next question that occurs is, with respect to the liability of escape for debt. That this has been long a hardship on the burghs, and that it has ruined the common good of many of them, is well known. It has indeed existed so long, that it is by many considered as an insuperable bar to any relief being granted to the burghs. Its long standing, however, if it is wrong, of which there can be little doubt, is the strongest reason for its speedy removal. The mode I conceive most likely to answer the purpose, is to remove the liability for escape from the magistrates to the jailer, and that the jailer should find security for the safety of all prisoners committed to his charge. In order to enable a jailer to find this security, it would be requisite he should receive a proper reward: there are two ways of paying him, either by a salary adequate to his trouble and risk, or by fees, or by both; perhaps the best way would be to give him both. It has been proposed, indeed I believe a bill has passed through Parliament, abolishing jail fees in England. There it was a most humane and necessary measure, the fees being paid by the debtor. With us the jail fees are commonly 4 *d.* a night; they are, no doubt, deducted from the debtor's aliment; but the magistrate who allows the aliment, knows the jailer is to receive 4 *d.*; he therefore gives the debtor an aliment of one shilling, instead of eightpence, per diem, and *in proportion* for a greater or smaller aliment. From this it will be seen, that although it is apparently the debtor that pays, it is in fact the creditor.

The abolition of jail fees would, in Scotland, be a very heavy burden on the counties and burghs, and would encourage and increase imprisonment for debt, offering a kind of premium to a creditor to imprison his debtor, and be a bar to the limitation of imprisonment, which the maintenance of the debtor occasions, by relieving the creditor of a considerable part of the expense.

The custom of booking-money, in use with some burghs, should be continued and made common to all prisons; and its amount should be increased perhaps to 5 per cent on the sum for which the debtor is booked. The advantage of it is obvious; it tends either to reduce the liability, or to increase the sum received for the risk. In either case it is productive of much benefit; and the principle on which it is established is the advantage which the creditor is to obtain by the safe keeping of his debtor.

In this view, I consider it would be improper to alter the custom of receiving fees; what is necessary to be done would be to regulate them.

The salary of the jailer should be considerable, so as to render his situation respectable, and to enable him to find the necessary security. He should have no other business, and he should be prevented from selling spirits or any other articles to those under his care. One of the worst faults of almost all the Scots jails is, the selling spirits. Many of them are scenes of constant dissipation. The jailer, who receives no fee for persons going in to see their friends in jail, is paid, in the Scots phrase, by treating him with a dram; a custom which, if neglected, the jailer takes care to visit on his inmates, and which it is his interest to keep up, as he either receives the whole profit, by selling spirits himself, or he employs an intermediate agent to supply the prisoners, who gives him a share of his gains.

The safe custody of prisoners should be modified in some degree; at any rate, if a prisoner makes his escape, and he is afterwards secured and brought back to jail within a reasonable period, the liability for the debt should be taken away.

The superintendence of the jails should continue under the burgh magistrates where the jail is placed. And perhaps it might be eligible to have a general inspector of jails, who should visit the whole of them every year, and report from time to time to the magistrates the conduct of the jailers, the state of the different jails, and the improvements necessary to

make

make on them. A regular yearly report might also be made of all the jails of Scotland by the inspector, and laid before Parliament.

The jails should all be attended regularly by a surgeon, who should receive a remuneration for his trouble from the fund for upholding them.

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A very great inconvenience occurs in most Scots jails, the imprisonment of *pauper lunatics* in them. They are thus placed under the care of persons, who, from their other avocations, have little time to attend to them, and who are totally unacquainted with their management. Situated as many of the Scots burgh jails are at present, in the middle of the principal street of the burgh, the confinement of lunatics in their prisons is a most distressing thing to the neighbourhood, and very prejudicial to the recovery of the poor unfortunates themselves. In every parish, where there are wandering and pauper lunatics, the minister and kirk session, at the sight of the heritors, should be by Parliament authorized to raise a rate on the parish sufficient to board the lunatic in an hospital fitted for that purpose. And where a lunatic is found wandering abroad, and it cannot be discovered from whence he comes, he should be transmitted to an hospital, and a sum paid out of the rogue-money of the county for his board; and an order, by any two or more justices, on the collector, should be a sufficient warrant for the payment of the money. In case it should be afterwards discovered to what place the pauper belongs, the parish to which he belongs should be obliged to repay the advances so made.

A great fault in all the prisons of Scotland is the total want of employment for the inmates. This arises in part from custom, and in a great measure from want of room. In many of the English prisons the inmates nearly support themselves; and they are trained to industrious habits by example, by the care of the keepers, by receiving a proportion of their work, and by necessity. In the Scots prisons all is idleness and listlessness; habits of laziness are induced by long confinement; and the inmates of a Scots prison in general are turned adrift on the world with worse habits, or at least more confirmed ones, than when they were first confined. In any scheme for the improvement of Scots jails, the providing work, and the proper and constant employment of the prisoners, is a matter of the utmost consequence. In any plan for this purpose care should be taken that debtors should be allowed to work: doubts being at present entertained whether debtors can be alimented by the magistrates of burghs if they work at any thing in prison. The mode of allowing the prisoners to use their earnings, will be a matter of regulation that must be varied according to the circumstances of the persons confined. The jailer is generally allowed, in England, a per-centage on the value of the work; and perhaps that is the best way of paying him. When a man's duty and his interest go together it is most likely it will be well performed.

The jails in Scotland are in general destitute of beds and bed-clothes. The criminals lye on straw, and the debtors provide themselves with bedding. The jails should be all provided with beds, and mattresses made of straw, or shavings, which I have reason to believe is preferable to straw, no vermin of any kind lodging in them. The best beds for jails are those made of cast iron, with hoop-iron bottoms, and painted.

The maintenance of criminals in Scots prisons is very absurdly conducted: in some they receive 6*d.* and in others 4*d.* per day, generally the worth in bread. They should receive a reasonable allowance in weight of bread or meat, and not a sum of money, which may at sometimes be sufficient and at other times very inadequate for their support. The practice in many of the best regulated English jails is a certain weight of bread and meat.

I have endeavoured to compress in as short a compass as possible, those hints on the subjects of jails. I leave it with the convention to take such steps as to them may seem meet to carry into effect the hints I have given. I am aware that many things are omitted that might on a subject of this kind have been introduced; but the short duration of the sitting of the royal burghs, and the little time they have to consider the different public matters submitted to them, imperiously required, that what I should intrude on their notice should be as concise as possible. I should have been happy if it had fallen into the hands of those more able to discharge the duty. I can only make my zeal and my earnest wish to promote a cause so interesting to humanity and so necessary to the well-being of the burghs, my excuse for having called your attention to this subject. And I remain with respect, &c.

APPENDIX.

Note (A.)

TABLE of Rules, Regulations, and Fees, for the Jail of the Burgh of Cupar.

1st. THE whole rooms in the jail that are occupied either by debtors or criminals, to be swept every day, and washed every week.

2d. Clean sheets to be given to the debtors once a month.

3d. The jailer is not allowed to keep or sell (except for his own use) any wine, spirits, porter, or ale; but in case the debtors shall require it, he is to purchase it for them in the burgh, and to bring it to them without any charge for his trouble.

4th. The jailer is not, on any occasion, to furnish or allow any spirits or wine to be given to criminals, except by an order from the surgeon, who is appointed by the magistrates to attend the jail, or by authority of the sheriff or magistrate.

5th. The

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5th. The relations and connexions (except suspected persons) of debtors to be admitted to see them from ten o'clock in the morning, until nine o'clock in the evening, from 1st April to 1st September; and from 1st September to 1st April, from ten o'clock until six.

6th. The wives of debtors and their children under ten years of age, will be allowed to remain in the jail during the night in case they wish it, if there be accommodation, and upon their conforming themselves to the regulations of the jail. No admittance on Sunday during divine service.

7th. No person will be allowed to see the criminals when committed for examination, without the authority of the sheriff or other judge, under whose warrant they are imprisoned; but after they are committed for trial, their relations and legal advisers may be admitted; but those only from ten o'clock in the morning till two o'clock in the afternoon.

8th. In case the magistrates or surgeon shall conceive it necessary for cleanliness, before any criminal is put into his cell, he may get the criminal's hair short cropped or shaved, and cause him to be washed; give him a clean shirt, which shall be taken from him when he leaves the jail, and his clothes heated in an oven.

9th. Any debtor or criminal is allowed to work at any work that can be carried on in the prison, care being taken that it be of such nature that it do not disturb the other prisoners.

10th. Strangers visiting the jail shall be admitted without being obliged to pay any fee.

11th. The jailer shall keep a book or register, in which shall be regularly entered the following particulars, viz. The names and designations of the prisoners; the date of incarceration; by whom, or on what warrant they are incarcerated; if a debtor, the name of the creditor to be entered; the amount of the debt for which he is imprisoned, and which must be subscribed by the incarcerating officer; the date of liberation; the cause of liberation; the amount of the incarcerating fee paid to the jailer according to an after regulation.

12th. The jailer shall be entitled to exact from the incarcerating officer of every debtor, at the rate of two-and-a-half per cent. on the sum for which the debtor is incarcerated; but if more debtors than one are imprisoned together for the same debt, the jailer shall only receive one fee. And neither the magistrates, or town council. nor the jailer, or his assistants, shall be answerable on any account to the incarcerating creditor for more than the sum on which the debtor was incarcerated, and for which the fee at the above rate shall be paid.

13th. Warrant for debtors imprisonment to be shown to one of the magistrates or town clerk, as soon as practicable after the imprisonment.

14th. The jailer to receive from every creditor incarcerator, the aforesaid two-and-a-half per cent. on the sum for which the debtor shall be booked for in the jail book.

15th. The jailer to receive four-pence per night from all debtors.

16th. If the jailer furnish a separate room to a debtor, he shall be entitled to such an additional fee as the magistrates for the time shall think proper.

17th. No women not related to the prisoners will be allowed to visit either debtors or criminals, except with permission of the magistrates.

18th. Persons confined for offences may, with the consent of the debtors, and the sanction of the magistrates granted in the jail book, be put into the common prison for debtors, and when there, they are to be treated in the same manner, subject to the same regulations, and pay the same fees as debtors.

19th. No criminal to be removed from one cell to another, except by order of the magistrates. Those who are refractory to be removed by order, and to be closely confined.

20th. No prisoner to be hand-cuffed or fettered, except when he is to be removed, and that in case only it shall appear to be absolutely necessary.

21st. The cisterns in the debtors' and criminals' prisons to be always kept full of fresh water, and the water closets to be inspected every day by the jailer, and always kept clean.

22d. The jailer to inspect the jail every day, in order to see the prison is secure, and no attempts made to escape.

23d. When criminals are confined in the cells for trial or punishment, the jailer will allow them to walk in the passage along the cells, two hours in the forenoon, and two in the afternoon, and only two at a time; as also when necessary to walk in the open garden or court, for such time and as often as the sheriff or magistrates shall direct, or give authority for that purpose; but no prisoner to be allowed to go out of the jail without such authority in writing.

Note (B.)

" And it is hereby further enacted by the authority aforesaid, That every baron or other " heritor of lands in Scotland, who shall be entitled to, or possessed of any criminal juris- " diction not hereby abrogated or taken away, shall and is hereby required to enter in a " book, to be kept by the sheriff clerk of the county within which his lands lie, (which " books the said sheriff clerks are hereby authorized and required to keep for that purpose) " the house, rooms, or place, which such baron or heritor hath provided or appropriated, " or shall provide or appropriate, for being used as a prison, for rendering effectual the " jurisdiction competent to him by law; and it shall not be lawful to such baron or heritor, " or his bailie, to cause any person to be imprisoned in any other room or place than what " shall be so entered; and every such house, room, or place, shall be so situated, and have " such windows or grates open to inspection from without, as that it may be practicable for " any friend of the party imprisoned to visit, see, and converse, with the prisoner when he " shall be so minded; and that every such baron or heritor shall, for every offence against

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" this act, forfeit the penalty of twenty pounds sterling, with costs to the party injured; " and that all and every the sheriffs of shires, and stewarts of stewartries, not hereby abrogated or taken away, or their deputies within Scotland, shall and they are hereby required to visit and inspect all such houses, places, or rooms, as shall be so entered as " prisons, and to disallow and prohibit the use of the same, in case they shall appear to the " said sheriffs, or stewarts, or their deputies, respectively, to be places grievous or unhealthy, " or not agreeable to the regulations herein before enacted."

Note (C.)

Very correct information of the losses sustained, by the different royal burghs, by the escape of prisoners for debt, has not been obtained; the sums have been to a great extent it is believed. Edinburgh, Ayr, Kircudbright, Annan, and many other burghs have lost large sums. Montrose has also lost money. The burgh of Cupar in 1810, lost about 500 *l.*; in 1814, Arbroath lost 173 *l.*; in 1810 and 1815, Cambelton lost 112 *l.* by escapes.

Note (D.)

Last year, a bill was brought into parliament to abolish jail fees in Scotland, and to raise a sum to pay the jailer a remuneration, by a rate to be raised on the rents of houses within burghs; this burden was considered so oppressive to the inhabitants of the burghs, that on a representation to Mr. Bennet, the proposer of the bill, by General Fergusson, the clauses affecting Scotland were left out.

(13.)—CRAIL.

13. Crail.

1.—BY no means.

2.—The jail it is supposed, was originally built at the town's expense, and was lately repaired from the town's funds, although still very imperfect, and insecure for prisoners.

3.—Very bad accommodation.

4.—Very few.

5.—No.

6.—No criminal prisoners, and few or no debtors.

8.—There has been no escapes.

9.—Very little.

10.—No.

11.—The jailer has no salary, and the above answers explain the rest of this query.

12.—The income fluctuating; the debt considerable; and, after paying necessary expenses and interest of money, there is little over.

4th April 1818. *Robert Murray*, Chief Magistrate.

(14.)—CULROS.

14. Culross.

1.—THERE are two prison rooms, besides a room used as a court house and town hall, and an apartment for the jailer. When the prison rooms are full, and consequently not sufficient for the accommodation of a new prisoner, he is conveyed to another jail by the incarcerator.

2.—The jail is very old. It is not known at whose expense it was built. It has at different times been repaired, as necessity required; partly by donations from neighbouring proprietors connected with the burgh, and partly at the expense of the burgh.

3.—Answered. Article 1.

4.—The number of civil prisoners confined at the same time, rarely exceeds three. Criminal prisoners are less frequent, and these principally for petty offences.

5.—No.

6.—Answered. Article 4.

7.—About one prisoner in twenty usually belongs to the population within the jurisdiction of the borough.

8.—During the last twenty years, the burgh has sustained a loss of upwards of two hundred pounds. The escape principally owing to the inefficiency of the jail, and the carelessness of the jailer.

14. Culross.

9.—Paid out of the common gude. His income as jailer, is about five pounds per annum, besides his apartment in the jail. He is also entitled to jail fees from the prisoners, but these are seldom recovered.

10.—No.

11.—The repairs are mostly paid in one sum in the course of some years. The average may amount to eight or ten pounds annually. The expenses are increasing in proportion as the jail is becoming old.

12.—The annual income is about 48*l.* Forty-six whereof arises from the duties of land held in burgage and feu of the burgh. The feu duties are fixed and cannot increase or fall off in nominal value. The balance of revenue is not likely to encrease.

16 March 1818. *Hugh M^cHutchen,* Clerk.

(15.)—DINGWALL.

15. Dingwall.

1.—THE jail of this burgh is quite insufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein.

2.—I cannot ascertain when or at whose expense the jail was originally built. The jail is connected with the court-house, and both are included in the same building. The whole expense of repairs is borne by the burgh, without distinguishing the court-house from the jail.

3.—The accommodations are extremely mean and confined. There is, properly speaking, but one room for the confinement of civil prisoners; and when it happens to be too full, or when the prisoners are of unequal ranks, some of them are confined in the court-house, and during the sitting of the court, however long or short the period may be, these last are turned into an adjoining small closet, where they remain until the public business is over. There are other two rooms, one of which is appropriated for the reception of criminals, and occasionally used as a guard house, by which appellation it is known. The other is used as an asylum for pauper lunatics, and occasionally as a guard room when there are no lunatics, and when the proper guard room is occupied by criminals.

4.—It sometimes happens that there are no prisoners civil or criminal, but in general there are more than can be accommodated; and as the jail cannot be depended upon for security, criminals are sometimes transported to Inverness by warrant from the High Court of Justiciary.

5.—The number of prisoners has greatly increased of late years; and at this moment there are many liable to be committed, particularly for transgressions of the laws of Excise, who cannot be received, and therefore are allowed to go at large, notwithstanding that they are under sentence of imprisonment.

6.—The civil prisoners are, with respect to the criminal, supposed to be in the proportion of 60 to 1.

7.—The proportion of prisoners usually belonging to the population within the jurisdiction of the burgh, is scarcely equal to 1 in the 100.

8.—The burgh has within the last twenty years, lost upwards of 100*l.* by the escape of a prisoner, owing to the insufficiency of the jail. Several criminal prisoners have effected their escape within that period, from the same cause.

9.—There are two jailers taken from the lower order of society, and none more respectable can be found, on account of the inadequacy of the salaries. The two receive from the burgh but 12*l.* per annum, and this with some trifling compensation from civil prisoners for their attendance, constitute their sole allowances.

10.—The jailers find no caution, nor would any person become security for men who must be presumed to be in the very meanest circumstances.

11.—The average annual expenses of repairing the jail cannot be less than 15*l.* These are increasing, because the building is decaying, while there are no funds for rebuilding or for a durable repair.

12.—The annual income of the burgh is 153*l.* 1*s.* 8 ½ *d.* It arises from feu duties, and the rent of a salmon fishing. It cannot fall off, and as little can it materially increase.

The only other information which I think requisite to state, is, that many important improvements have of late years been made in this burgh, which obliged the magistrates to borrow a few hundred pounds, in order to be applied towards those improvements, together with what could be spared by the most rigid economy from the annual revenue, but that the greater part of the expense was defrayed by the voluntary contributions of private individuals, aided by the convention of Burghs, and the Parliamentary Commissioners for Roads and Bridges. I may add, that much remains yet to be done for the benefit of the burgh, and

N° 2.
ANSWERS
TO QUERIES.

and the health and comfort of its inhabitants, but which cannot be attempted in respect of the limited amount of the revenue, and that the calls upon the liberality of individuals have been too often repeated.

John Mackrae, Town Clerk.

(16.)—DORNOCH.

16. Dornoch.

1.—THE jail in our burgh is sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein.

2.—The building, wherein the jail, court-house and record room for the sheriff clerk are united, is part of the ancient castle or palace of Dornoch, and was fitted up and repaired as such about three years ago by the Marquis of Stafford. The expense of the whole repairs is 1,363 *l.* 11 *s.* 2 *d.* sterling; but it cannot well be distinguished what part was expended on the repair of one part, and what on another.

3.—There are two strong rooms for debtors, and two apartments on the floor for criminals.

4.—The average number of debtors and criminals confined at one and the same time for the last twenty years, may be $1\frac{1}{3}$.

5.—The number is rather on the increase of late years.

6.—The proportion of the debtors to the criminals is about as 18 to 27.

7.—The proportion of the prisoners within the jurisdiction of the burgh, is as 2 to 45.

8.—It is now many years since any debtor escaped from prison, but about twelve years since a debtor did escape, and the debt with expenses was paid by the provost, (the funds of the burgh being insufficient) and the escape was owing to insufficiency of the former prison.

9.—The jailer has been paid by a small piece of land, two bolls of meal, and ten shillings in money; besides which he has perquisites.

10.—The jailer finds no caution.

11.—As the jail is only newly used, the average amount of repairs cannot be stated, but the only expense, besides the jailer's salary, will be the rent to be paid to the Marquis of Stafford, which is not yet absolutely fixed, and part of which will be paid by the heritors of the county.

12.—The annual income of the burgh does not exceed the sum of 8 *l.* and arises from the sale of the town's customs; and is falling off.

The magistrates submit, that in so very small and poor a burgh, the expense of upholding the jail, should fall exclusively on the heritors of the county; and that they also should be answerable for the consequences of the escape of any debtor from the prison.

Kenneth Mackay, Baillie.
24 April 1818. *William Taylor*, Town Clerk.

17.—DUMBARTON.

17. Dumbarton.

1.—THE jail of this burgh is not sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein.

2.—There is no record to show when, or at whose expense the jail was built. It does not appear to have ever been enlarged; but it has been repaired when necessary, and the expense paid out of the burgh revenue. There is a court-house within the building, wherein the sheriff and baillie courts are held, and which also serves for a town hall, and for the county meetings.

3.—The accommodation for the prisoners consists of two rooms, each eighteen feet seven inches in length; the one seventeen feet four inches, and the other sixteen feet ten inches in breadth, and both eight feet high in the ceiling. An arched stone vault, fifteen feet two inches in length, by six feet six inches broad, and eight and one half feet high at the centre of the arch; with other two smaller arched stone vaults.

4.—The average number of prisoners, civil and criminal, for the last twenty years, is ten.

5.—The number has considerably increased of late years.

6.—The proportion of the civil to the criminal prisoners, is as three of the former to two of the latter.

7.—The proportion usually belonging to the population within the jurisdiction of the burgh, is one to three

17. Dumbarton.

8.—By the escape of prisoners for debt during the last twenty years, the revenue of the burgh has sustained a loss of one hundred and ten pounds sterling. The escapes were always owing to the walls and roof of the jail having been broke through.

9.—The jailer is paid an annual salary of twenty pounds from the burgh revenue; his income as jailer does not exceed thirty-five pounds.

10.—The jailer finds caution to the amount of one hundred pounds.

11.—The annual average amount of repairs, and other incidental expenses attending the jail paid by the burgh, exclusive of jailer's salary, taking an average of the last twenty years, is twenty-five pounds sterling. The expense is daily increasing.

12.—The annual income of the burgh at present, is eight hundred and fifty-eight pounds eighteen shillings and sixpence; it arises from the rents of lands, houses, a corn miln and fishings, and the customs or duties paid to the burgh as such. The burgh however pays 535 *l.* as interest of borrowed money, besides 108 *l.* to the minister and public teachers. The expense of lighting the town, and furnishing it with water, is also paid from the revenues; so that when the salaries to the town's officers are paid, with repairs and other incidental expenses, there remains a very small balance, if any, in favour of the burgh.

13th April 1818. *John Dixon*, Provost.

18.—DUNFERMLINE.

1.—THE jail is not sufficient either for the accommodation or security of the civil and criminal prisoners confined therein. 18. Dunfermline.

2.—The whole expense of building the jail has been defrayed by the town; it is connected with a court-room, common council room, town hall and record room, and a steeple. The expense of the whole amounted to between 3,000 *l.* and 4,000 *l.* The proportion properly belonging to the jail, may be stated at 1,000 *l.*

3.—In the underground story, is the jailer's house; and a vaulted apartment, ten feet by twelve, for vagrants and criminals of the worst description. The upper story, appropriated for the common jail, consists of a room for debtors, eighteen feet by twelve; and three cells for criminals, about ten feet square each, with a large airy passage and lobby, and a water closet.

4.—The number of prisoners, civil and criminal, usually confined at the same time, taking an average of the last twenty years, may be stated at six.

5.—The number of prisoners has increased of late years, especially of debtors.

6.—The proportion of civil to criminal prisoners is, as five to one.

7.—The proportion of prisoners usually belonging to the population within the jurisdiction of the burgh, is one-third.

8.—There have been several escapes of criminals, who effected their escape through the barred windows, the roof, and floor of the common jail, owing to its insufficiency.

9.—The jailer has a salary of ten pounds from the town, besides the house already mentioned; and his income, arising from jail fees, may be stated at twenty pounds per annum more.

10.—It has not hitherto been the practice for the jailer to find caution.

11.—The incidental expense of repairs on the jail, have been very trifling, not exceeding four pounds annually; and this expense does not appear to be increasing.

12.—The annual income of the burgh arises chiefly from rents of land and coal, belonging in property to the community, and amounts to 1,500 *l.* from which the interest of 14,000 *l.* of debt, due by the town, falls to be deducted. Of late years the income has fallen off, owing to the depressed state of agriculture, and the coal trade in the Frith of Forth.

The county jail being at a distance of more than thirty miles from Dunfermline, no prisoners from the western district are taken there; consequently, criminals are obliged to be sent to Edinburgh or Perth for security.

L. Wilson, Provost.

7th March 1818.

19.—DUMFRIES.

1—THE jail of this burgh is, in the humble opinion of the magistrates, formed from their own inspection, and the best information they have got, neither sufficient for the accommodation, nor the secure custody of the prisoners, particularly the civil prisoners confined therein. 19. Dumfries.

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19. Dumfries.

2.—The present jail and a new court-house, were built in the year 1803. They are attached to each other, and built under one contract, and cost - - £. 4,100 0 0

Of which the county paid - - - - - -	£. 1,820 0 0	
— the burgh paid - - - - - -	910 0 0	
And subscriptions amounted to - - - - -	1,370 0 0	
		4,100 0 0

The jail may be estimated at less than one half of this sum.

3.—The jail affords accommodation for twelve civil, and fourteen criminal prisoners; but a great many more are generally confined, often two and three in the apartments originally destined for only one prisoner

4.—From what the magistrates consider to be a tolerably accurate state, made up at their request by the jailer, the number of prisoners committed to jail for civil debts amounts to 986 in the course of the last 20 years.

Of these for the first 5 years were - - - -	148	
— - - second 5 years - - - -	136	
— - - third 5 years - - - - -	238	
— - last 5 years - - - - -	464	
		986
For Crimes 375:		
Of these for the first 5 years - - - - -	42	
— - - second 5 years - - - - -	42	
— - - third 5 years - - - - -	117	
— - - last 5 years - - - - -	173	
		375
For Punishments and Delinquencies 742:		
Of these for the first 5 years - - - - -	65	
— - - second 5 years - - - - -	71	
— - - third 5 years - - - - -	260	
— - - last 5 years - - - - -	346	
		742

5.—The preceding calculation answers this query.

6.—The same.

7.—About one-third upon an average.

8.—None, chiefly owing to the vigilance of the jailer and his assistant.

9.—The jailer is paid 20 *l.* by the county, and 10 *l.* by the burgh; and the under-jailer or assistant is at present paid 10 *s.* 6 *d.* weekly by the county.

10.—The jailer finds security to the amount of 1,000 *l.* sterling.

11.—The jail has required few or only trifling repairs since it was built.

12.—The present income of the burgh is about 2,200 *l.* arising from lands, mills, customs, &c. But it is very considerably in debt, and the funds and revenues are under trust for behoof of the creditors.

21st March, 1818.

John Barker,
Provost, and chief magistrate.

To the Honourable the Magistrates of Dumfries.—The Representation of John Docherty, Jailer,

Humbly sheweth,

THAT from the great number of prisoners of late years, the accommodation in the jail is not adequate for either the debtors or felons, there being only four rooms for debtors, and the average number of prisoners during the last year not less than eight, and at present the number is eight; sometimes a much greater number are confined in the debtors department; to the number of 19 have at one time been confined there.

During the last year the average number of felons has been twelve, and at present there are seventeen confined, and only eight cells to contain them; these cells are small, being originally calculated for one person in each, and it is always attended with bad consequences when, from the want of room, more are confined in them, but often two are confined in each, and even three have been obliged to be crowded into the same cell of 6½ feet by 8 feet.

The debtors rooms are very inconvenient and not secure, they all communicate through each other, and the roof not being of stone or arched, renders it an easy object for a prisoner to escape.

I hope your honours will take this representation into consideration, that it may be laid before the county meeting in April, in order to induce some plan to be adopted to provide the necessary accommodation and security for prisoners.

7 March 1818.

20.—DUNBAR.

20. Dunbar.

1.—THE jail of this burgh is by no means secure. It is a very old building, at least three hundred years old, consisting of a jailer's house on the first story, two apartments for prisoners on the second, and a court-house on the third story. From its insecurity it is often necessary to remove criminal prisoners for capital offences to the neighbouring burgh of Haddington.

2.—As stated in the preceding answer, it is uncertain when the jail was built, and equally so by whom the expense was paid, although the presumption is by the town. The court-house is above the prison, but badly fitted for the purpose. Little repairs, and no alteration or enlargement have been made in the internal state of the house until last season, when a considerable expense was laid out upon the external building, amounting to 145 *l.* This sum was absolutely necessary for the security of the house and steeple, which are still in very bad repair.

3.—The jail consists of two rooms.

4.—The usual average of prisoners is three or four; but often it is necessary to employ the court-house to hold debtors. Frequently, however, no prisoners are confined.

5.—The number of prisoners is increasing, from an increased population.

6.—From what is mentioned in answer to query first, there are seldom any criminal prisoners confined here.

7.—The prisoners confined in this jail mostly belong to the burgh and its vicinity. The county extends about seven miles to the east of the town, in which direction there are no jails nearer than Dunse, which is 22 miles.

8.—Several prisoners have escaped from the insecurity of the jail, but not being debtors, no loss was sustained.

9.—The jailer is paid 4 *d.* per night from every civil prisoner. His salary is 10 *l.* with a free house; and his yearly income altogether as jailer may be 15 *l.* but it is frequently impossible to get his fees from prisoners.

10.—The jailer has no caution.

11.—The yearly expenses of repairs are trifling, except what has been already mentioned in answer to query 2; the expense may be looked for to increase, however, from the delapidated state of the building. Besides these expenses, the town has to aliment prisoners for petty riots, which, at an average, may be estimated at 10 *l.* per annum.

12.—The free annual income of the burgh is about 600 *l.* and it requires the whole of it for the ordinary expenditure of the burgh, principally laid out in upholding the harbour, which, from its situation at the mouth of the German Ocean, is frequently injured by heavy seas. The sum of 200 *l.* per annum is likewise often paid for poor's rates. The revenue is considerably fallen off.

It may be proper to remark, that this burgh, being on the direct highway from London to Edinburgh, a place of security is of much importance for prisoners and deserters who are frequently passing. In time of war it is more so, as prisoners are often landed when it is found necessary to march them on immediately, there being no place of secure confinement even for a night.

Will. Hume, Provost.

21.—DUNDEE.

21. Dundee.

1.—THE jail of this burgh is sufficient for the secure custody, but not for the accommodation of the civil and criminal prisoners confined therein.

2.—It was built in the year 1732, solely at the expense of the burgh, and has not since been enlarged, nor received any material repair, except what was necessary in consequence of a fire which happened forty years ago. The jail is on the upper floor of the town-house; the lower parts of the builing are used for a court-room, town-hall, and other purposes. As no separate account was kept of the expense of the different parts of the house, it is now impossible to distinguish the expense properly belonging to the jail from the rest of the building.

3.—The jail consists of five rooms, separated from each other by thick stone walls. Four of them measure twenty feet by twelve, and one twelve feet square, One of the largest is appropriated for criminals under close confinement; the other three for other criminals and civil debtors, who mix indiscriminately. The smallest is used partly by the jailer, but chiefly for a pump-room, where the prisoners are plentifully supplied with water conveyed to the prison by a pipe, which the magistates put up some years ago at a considerable expense. The roof is arched, and at the top is eight feet high, towards the sides of course it is proportionably lower. A considerable space is taken up by beds, tables and forms; and the

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21. Dundee.

apartments are so crowed, that the prisoners, instead of being able to take any exercise, have barely room to move about. The magistrates of late have fitted up two rooms in the attic story, in which they put females when the jail is crowded; but this is not a secure place of confinement, and is resorted to only as a measure of necessity. On the whole, from the great increase of the population of the town and the neighbouring country, the jail has become quite insufficient to accommodate the prisoners who are usually confined in it.

4.—The number of prisoners, civil and criminal, usually confined at the same time, taking an average of the last twenty years, cannot be precisely stated, as no regular account of them has been kept till lately; but it is believed that the number may be fairly stated at fourteen, though it is often considerably more.

5.—The number is increased of late years.

6. & 7.—For the year from 1 May 1817 to 1 May 1818, the numbers confined were 63 civil prisoners, and 55 criminals within the jurisdiction of the burgh, and 54 civil prisoners and 35 criminals belonging to places beyond the jurisdiction, making in all 207. The total number in the preceding year was 176, of whom 82, viz. 56 for debt, and 26 for crimes, were from within the burgh; and 94, viz. 52 for debt, and 42 for crimes, were from without.

8.—The burgh has sustained no loss by the escape of prisoners for debt, during the last twenty years.

9.—The town pays the jailer a yearly salary of 50 *l.* and he also receives certain jail fees from the prisoners. His income amounts to about 110 *l.*

10.—The present jailer has found caution to an unlimited extent No such caution however was found by any of his predecessors, and the magistrates have no reason to expect it from any one who may succeed him.

11.—The annual average amount of repairs, and other incidental expenses attending the jail, paid by the burgh, exclusive of jailer's salary, on an average of the last twenty years, may be taken at 90 *l.* and these expenses are increasing.

12.—The income of the burgh arises from petty customs paid for goods brought by strangers into the town, fees on the admission of burgesses, rents of salmon fishings, and of some houses, building yards, and ground within the town, and a piece of land in the vicinity, two pennies on the pint of ale brewed and vended within the burgh, and various other sources. The total amount for the last year was 3,179 *l.* 12 *s.* 2¼ *d.* but this included 405 *l.* paid on the admission of burgesses, which, from a particular cause, was far more than had been paid in any preceding year, the ordinary yearly amount being from 60 *l.* to 80 *l.* The rent paid for the salmon fishings too, in consequence of the late decision of the House of Peers, may be considered merely nominal, and, on the whole, the yearly revenue cannot be stated at more than 2,750 *l.*; but from this sum there is to be deducted the interest on 15,333 *l.* of debt due by the town. The remainder is altogether insufficient to pay the ministers stipends, schoolmasters salaries, and the expenses of paving and lighting the town, maintaining a police and other necessary expenses, in a manner suitable either to the general improvement of the country, or the increased population of the burgh. Far less is it in the power of the magistrates from so scanty a revenue to provide a jail sufficient for the principal town of the county. The revenue of late years has fallen off.

4 May 1818. *Alex. Riddock*, Provost.

22.—DYSART.

22. Dysart.

1.—IN its present state, or at any time within these 20 years, or before that period, it could not be considered a sufficient jail for the accommodation and secure custody of the civil or criminal prisoners who happened or may happen to be confined therein.

2.—The expenses of building and repairing the jail were wholly from the funds of the burgh, but it is impossible to say from any record when it was built, but supposed to be between 300 and 400 years ago. The jail and place where the magistrates and council meet, cannot be looked upon but as one building, as what may be called the court-house, is, in fact, a part of the jail, and in which prisoners for debt are confined.

3.—The accommodation it affords for prisoners is far from being good. There are only three places for confinement of prisoners, viz. the place before-mentioned in which the town council meet; another place called The Iron house, in which criminals are put; and the third, or another place above it, which goes under the name of The Thief's Hole, where criminals may be confined; and in the ground story of the building there is a place called The Weigh-house; and another which answers for a guard-house, when any military are quartered in the burgh.

4.—The number of prisoners have been so few within these 20 years back, that no average can be made.

5.—The number has not increased of late.

6.—It

22. Dysart.

6.—It is impossible to say, from what is already stated.

7.—It is not thought that the proportion would be the two thousandth part of the population of the burgh for 20 years past.

8.—The burgh has sustained no loss by the escape of prisoners during the last 20 years; but were prisoners for debt more frequent, the burgh would run a very considerable risk.

9.—The jailer is paid one shilling and sixpence or two shillings for each prisoner he incarcerates, and is allowed three-pence per night for each prisoner for debt, when such are confined; but his income as jailer is very trifling, as many years usually elapse without a single prisoner being in jail for debt.

10.—The jailer being always one of the common officers of the burgh, does not find caution.

11.—The annual average of the repairs upon the jail (including the court-house, &c. as mentioned above) for the last 20 years, has amounted to about 9*l.* 1*s.* 9*d.* sterling, and is not increasing.

12.—The annual income of the burgh at present, is 205*l.* 11*s.* $5\frac{6}{12}$*d.* arising from the rent of the shore dues, and shore-house, which are let; the rent of a small farm, two gardens, and a house belonging to the burgh, and from an impost or duty of two pennies Scots, on the pint of ale or beer sold within the burgh. The income is less than formerly; the trade of Dysart has fallen off greatly for some years past, and from that cause the shore dues do not let near so high as before, and the consumption of ale and beer is greatly diminished, although the expense of supporting the pier or harbour, minister's stipend, schoolmaster's salary, and other unavoidable expenses, are rather increasing.

April 18, 1818. *John Jameson,* Town Clerk.

23.—CITY OF EDINBURGH.

23. Edinburgh.

1.—THERE is sufficient accommodation and secure custody for all prisoners, both civil and criminal, in the several prisons of the city at present in use, and so soon as other arrangements which are in contemplation, and for which authority and funds are provided by the Act of Parliament to be after mentioned are completed, it is expected that these objects will be attained in a manner equal, if not superior, to any in the kingdom.

2.—There were, till within these few years, three jails within the jurisdiction of the city; viz. one usually designed the Edinburgh jail for debtors and criminals; another, in the Canongate, being appropriated for debtors, though occasionally used for the confinement of the better sort of criminal prisoners; and one at Leith also appropriated for debtors and criminals.

By an Act passed in 1813, power was given to certain commissioners to erect new jails, and when these were partially or wholly completed, to remove the Edinburgh jail, and to discontinue the use of that in the Canongate; under these Acts part of the prisons have been erected, the Edinburgh jail has been removed, and those at present in use, and falling under the present question, are,—1st. Calton-Hill jail, being part of a more extended prison which is intended to be built. 2dly, A lock-up-house in the neighbourhood of the Court of Justiciary, and communicating with that court. 3dly, The Canongate jail, which is to be disused upon the completion of the Calton-Hill jail; and, 4th, Leith jail.

	£. s. d.
By the Act above-mentioned the commissioners therein appointed are authorized to raise, for the purpose of building the new jails *from the funds of the city of Edinburgh* - - - - - -	8,000 — —
By *assessments* from the *heritors* of the *city* and *royalty* paying the land-tax, and *in proportion* thereof - - - - - - -	3,250 — —
By *assessments* from the *householders* and *inhabitants* within the said *city* and *royalty* - - - - - - - - - -	3,250 — —
Note—With power to *assess* the said *heritors, householders,* and *inhabitants* of the said *city* and *royalty,* in a further sum not exceeding one-third more of these sums, to be assessed when the other sums shall have been levied and applied in manner therein directed.	
Out of certain assessments upon the *heritors, householders,* and *inhabitants,* and *ploughgates* of the county of Edinburgh, the sum of - - - - - - - - - - - -	5,000 — —
Out of any monies granted to His Majesty by parliament, for the supply of that year - - - - - - - - -	10,000 — —

Calton-Hill Jail:—With part of these funds the Calton-hill jail has since been built at an expense (exclusive of the expense of the Act of Parliament) of about 20,000*l.* including boundary walls, airing grounds, governor's house, turrets, quarry, and prices of the houses to make way for it.

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23. Edinburgh.

Lock-up-house:—Also the lock-up-house, at an expense of about 2,350*l.*

Edinburgh jail has always been repaired at the expense of the city alone, and the Act before-mentioned bears "that the magistrates and town council of the said city, and the "jailer or keeper, or jailers or keepers of the said jail, shall remain answerable to all intents "and purposes, and in the same manner as heretofore for the safe custody of all such "persons as may be committed to his or their custody in the said new jail, and the lord "provost, and magistrates and council of the said city shall have the like power over the "new jail, *and be liable in keeping up the necessary establishment of the same, and other "necessary charges connected therewith in the same manner and to the same extent as they are "liable with regard to the present jail, and as the magistrates of royal burghs in Scotland "are liable with regard to the jails within their burghs.*"

Canongate Jail:—The precise period of the building of this jail has not been ascertained, but it is of very ancient date, of course the cost of building is not known. The expense of the repairs has all along been borne by the city of Edinburgh.

Leith Jail:—The Tolbooth of Leith appears to have been built in 1565, but whether it was so done at the expense of the town of Edinburgh or not has not been ascertained. The expense of repairing it however has for upwards of a hundred years been defrayed out of the funds of the city of Edinburgh.

3.—Calton-Hill Jail:—The Calton-Hill jail contains 58 night cells with seven day rooms, each day room having attached to it an arcade for walking in bad weather, and an open area for the use of the prisoners when the weather is more mild; water closets, water pipes and other accommodation are also attached to these, and there is a chapel for public worship together with a kitchen, &c.

Within the bounding walls of this jail, the governor's house is situated, where besides accommodation for him and his family, there is a large store room, a clerk's room, a room for the meetings of the Commissioners and Magistrates; with two state rooms with fire-places and one without for the accommodation of debtors of a better description.

Lock-up-House:—The lock-up-house contains, besides a place for the keeper, eight cells, four of sufficient size for the confinement of 4 prisoners each; the other four, 2. There is also a kitchen or hall.

Canongate Jail:—The Canongate jail contains nine sleeping rooms; three of them holding three double beds, together with a hall about 20 feet by 16, for the accommodation of the prisoners during the day, and accommodation for the jailer.

Leith Jail:—Leith jail has a place for debtors which will hold six beds, and a hall about 25 feet by 19 for their use during the day; a room about 12 feet by 12, where criminals are locked up, together with a black hole, and accommodation for the jailer of this prison.

4.—Edinburgh, now Calton-Hill Jail and Lock-up-House:—The record from December 1798 to 1809 being incomplete, it is only possible to take an average of the prisoners confined during 10 of the last 20 years, in this portion of the Edinburgh jails; taking in therefore the whole of the years 1798 and 1809, and eight succeeding years, ending with December 1817, the average is about 46 prisoners civil and criminal, usually confined at the same time in these prisons.

Canongate Jail:—The average number confined in this jail at one time during the last 20 years, is about 17 civil and criminal.

Leith Jail:—There has been no regular record kept of the prisoners confined in this jail, except from Martinmas last 1817, when in consequence of the death of a jailer who had been long there, a new one was appointed. Since then the prisoners civil and criminal confined at one time, have averaged from 7 to 8. Those criminal prisoners who are to be confined for any length of time being always transferred to Bridewell.

In whole therefore, the number of prisoners civil and criminal confined at one time in the whole jails during the periods above-mentioned, may average 70 persons; but if the average of the last two or three years only is taken, nearly that number has been confined in the Edinburgh, now Calton-Hill jail and Lock-up-house.

(5.)—Edinburgh, now Calton-Hill Jail and Lock-up House:—The numbers are here increasing fast. In 1798, the whole prisoners confined during that year, amounted to 399. In 1816, there were 811; and in 1817, 732.

Canongate Jail:—The average number of prisoners confined during one year in this jail at the beginning of the period of 20 years back, was 70; at the end of it, 187; thus they have more than doubled.

Leith Jail:—No comparison can be formed on this point as to this jail, as there is no record; but there is no doubt the number is increasing in an equal proportion here as in other jails.

6.—Edinburgh, now Calton-Hill Jail and Lock-up-House:—About 20 years ago, the civil usually exceeded the criminal prisoners; but of late years, the criminal prisoners have been gradually increasing, and at present the civil are only about one half the number of the criminal prisoners.

Canongate Jail:—In this jail there are ten civil to one criminal prisoner at least.

Leith Jail:—Three fourths or four fifths are civil prisoners.

7.—Edinburgh, now Calton-Hill Jail and Lock-up-House:—Of the civil prisoners confined in these jails, two thirds usually belong to the population of the burgh, but of the criminal prisoners, one third only is usually of that population.

23. Edinburgh.

Canongate Jail:—Not one tenth part of the prisoners belong to the burgh of Canongate, and a small proportion to the city of Edinburgh, as the warrants of baillies, &c. do not extend to that prison; and it is principally upon letters of caption and justice of peace decrees, that prisoners are confined here.

Leith Jail:—Both debtors and criminals generally belong to Leith, though there must frequently be foreigners.

8.—The only sums which it has been found have been paid by the city of Edinburgh, in consequence of the escape of prisoners, are the following:

	£.	s.	d.
5th February 1800. To David Limmond, writer in Ayr, for the escape of David Cunninghame, lieutenant of the Royal North British Dragoons, the sum of - - - - - -	56	11	2
25th November 1808. To the Earl of Haddington, for allowing George Pringle to escape - - - - - - - -	330	17	2
1 March 1809. To William Lindell, merchant in Perth, for the escape of Duncan Stewart - - - - - - -	60	—	—

The first of these was occasioned by the prisoner's not returning to confinement, after having been liberated on a bill of bad health.

The second escaped from the charge of a city officer; and the last also effected his escape in the same way, in his return from the council chamber to the jail.

There is besides these, a question at this moment in dependence, at the instance of Alison Whitecross, libelling for 500*l.* of damages, in consequence of the escape of her husband, William Johnstone, a carter in Leith, who was detained in the Tolbooth there upon a meditatione fugæ warrant to answer an action brought against him for aliment to his said wife and two children, and who escaped by knocking down the jailer and forcing his way out of prison.

9.—Calton-Hill Jail, and Lock-up-House:—The jailer of these has 150*l.* sterling per annum of salary, paid by the town of Edinburgh, and accounts for all fees paid on the incarceration of debtors.

Canongate Jail:—This jailer has also a free yearly salary of 150*l.* and accounts for all fees paid at incarceration.

Leith Jail:—The principal jailer holds other offices, and the duty is done by a depute, who upon a salary of 30*l.* finds caution to relieve the principal of all his obligations and responsibilities as keeper of the Tolbooth. The depute also receives all the fees, which during the last jailor's time, was said not to yield above 2*l.* or 3*l.* per annum.

10.—Calton-Hill Jail and Lock-up-house:—To the extent of 1,500*l.* sterling.

Canongate Jail:—Also the extent of 1,500*l.*

Leith:—To the extent of full relief of his principal, except in case of an escape occasioned by the insufficiency of the jail.

11.—The average taken as pointed out (giving credit for the jail fees drawn, and accounted for by the jailers of the Edinburgh and Canongate jails) for the twenty years preceding 1817, amounts to 111*l.* 2*s.* 5*d.* per annum.

These expenses are no doubt increasing, as evidence of which it may be stated, that the expenditure at the Calton-Hill jail alone for the months of October, November and December 1817, amounted to - - - - - - - - - - £. 70 9 8

While the jail fees drawn from that prison, amounted only to - - - 13 15 10

Leaving - - - - £. 56 13 10

to be paid by the town, which will make the expense of this prison alone, greatly upwards of 200*l.* per annum, exclusive of the jailer's salary.

12.—In answer to this it may be stated, that the gross income of the burgh is about 45,000*l.* sterling; that this arises from annuity, seat rents in churches, multures, assessments in lieu of imports, articles let by roup, shore dues, water duty, vassals compositions, feu duties in extended royalty, ditto in ancient royalty, tack duties in ditto, feu duties of mills, ditto, Leith, Canongate and Portsburgh, purchase money of ground in extended royalty and of life rent annuities. Rent of Bellevue and incidental articles of revenue. This income is supposed to be increasing.

Having given these answers to the questions put in the 12th query, it is necessary to state that the expenditure is fully equal to the income of this burgh, and that this expenditure must also no doubt increase.

Having thus answered all the queries put, it may be proper to state, that this burgh has it in contemplation as mentioned in answer to 1st query, to complete the accommodation for prisoners by building a jail for debtors on the Calton-Hill adjoining to Bridewell, and communicating with the present jail built there. To accomplish this, it is hoped that the funds provided by the Act obtained in 1813, are amply sufficient. When this is done, it will tend to the security and comfort of the prisoners; but it is evident that a great additional annual expense will be incurred, which arises from a great proportion of prisoners belonging neither to the population of the city nor of the county, though a considerable number of them belong to the latter.

Bridewell, Calton-Hill, Edinburgh,
21st March 1818.

N° 2.
ANSWERS
TO QUERIES.

23. Edinburgh.

Sir,

I have to acknowledge receipt of an order of the Committee of the Honourable House of Commons appointed to inspect prisons, dated 9th instant, directing that there be laid before the Committee, " an account of the regulations and general management of the " Bridewell of Edinburgh, together with a plan and description of the various wards and " rooms in the same, including the mode of cloathing, feeding and working the prisoners " confined therein."

In obedience to said order, I herewith transmit six copies of a printed descriptive sketch of this bridewell, which I apprehend will be found to contain all the information required by the order, excepting a plan of the building; and with regard to this, I beg leave to mention, that there are no other than the original manuscript building plans, which cannot be allowed to go out of the possession of the commissioners, and to make copies thereof would be attended with considerable expense.

I have the honour to be, Sir,
Your most obedient servant,
David Murray, Gov^r.

To the Chairman of the Committee of
the Honourable House of Commons,
appointed to inspect Prisons.

Descriptive Sketch of the Bridewell, for the City and County of Edinburgh, and of the system of management, &c.—Edinburgh.—1817.

Descriptive Sketch of the BRIDEWELL for the city and county of Edinburgh.

THIS prison was erected under an Act of Parliament passed in the year 1791, and was completed and first inhabited in September 1795. It was built by an assessment on the heritors and householders of the city and county of Edinburgh, aided by a grant from government, and a public subscription: the whole original cost of the building was 11,794*l.* 16*s.* 9*d.*

The prison consists of four stories or flats, besides the attic story, which is the hospital. In each of the four principal flats there are thirteen working cells, with an iron grating in front, looking inwards to the chapel and central inspection tower, and thirty-six sleeping apartments, looking towards the exterior of the prison; there are thus, in all, (exclusive of the hospital flat) fifty-two working cells, and one hundred and forty-four sleeping rooms, but of the latter a considerable portion (varying as required) are used for solitary working cells, for such prisoners as are specially sentenced to *solitary* confinement. The working cells are separated from the sleeping and solitary apartments by a vaulted passage running along the whole of the semicircular range in each flat; the whole is built of stone, and each cell being arched over, there is no wood used in the construction of any part of the fabric, except the doors and roof.

The form of the house is very similar to that of the letter D; the cells occupy the semicircular part, and the rectilineal part is taken up by stair-cases; in the centre is a semicircular tower, from the windows of which, looking across the chapel (which occupies the intermediate space) the prisoners are seen at work in the front working cells, without being aware when they are so inspected.

The kitchen and wash-house are separate buildings, placed on each side of the main entrance, and immediately in front of the principal building. The governor's house is upon the north boundary wall, and the space between the latter and the prison, is laid out in gardens, courts, and airing ground for the prisoners. The prison is supplied with water from the city's general reservoir, which is received in two large cisterns situated at the top of the building, one on the east, and the other on the west wing, from whence it is distributed in pipes to the several flats and offices.

All the windows are of cast metal, and turn upon a pivot in the centre; the two lowest flats are besides strongly secured with wrought iron bars on the outside of the turning window. Most of the windows have lately been fitted up on the outside with reversed venetian blinds, which being fixed to look upwards, prevent the prisoners from having any communication with persons from without; these have been put up by way of experiment, and being found very useful, will be adopted generally on all the outer windows.

Each of the sleeping cells is furnished with an iron bedstead, a straw mattress, a pair of blankets, a sheet, and a woollen rug or coverlet. When prisoners are committed, they are stripped of every article which belongs to them, their hair cut close, bathed, cleaned, and habited in the clothing of the prison; this consists of a coarse linen shift, apron, and cap, woollen petticoat, gown of drugget (a coarse fabric of blue and white cotton) coarse woollen stockings, and list shoes for the female prisoners; a jacket and trowsers of strong grey cloth, coarse linen shirt, coarse woollen stockings, list shoes, and a night-cap, for the male prisoners. The articles they bring in with them, (of which a regular inventory is made in presence of the prisoner) are cleaned, washed, labelled, and safely kept till the expiry of their sentences, when they are all returned.

The allowance of provisions to each prisoner is as follows:—Bread, from wheat ground over all without any of the bran being taken out, made up in loaves of the size of twelve to the

N° 2.
ANSWERS
TO QUERIES.

23. Edinburgh.

he weight of a quartern loaf, (*i. e.* about 5¾ oz. each) *two* of these loaves to each prisoner veekly, viz. one on Wednesday, and the other on Saturday, to dinner. Prisoners sentenced o be fed on bread and water only, have three of these loaves daily:—Oatmeal, two-thirds f a pound avoirdupois, per diem for each prisoner, one-half made into a chopin (quart) of orridge for breakfast, and the other half into a similar quantity for supper:—Barley, four unces avoirdupois, per diem, for each prisoner, made into a Scotch pint (two quarts) of roth for dinner, six days in the week, when potatoes are not in use, but only three days weekly during the potatoe season:—Potatoes, three pounds avoirdupois per diem, three lays in the week, during the potatoe season, made into a Scotch pint of soup for each prisoner:—Cheese, four ounces avoirdupois to each prisoner every Saturday for dinner; the quality to be equal to soft Kanter or Dutch old milk:—Beer, one half pint English measure per diem to breakfast, and one English pint every Saturday, for each prisoner to dinner:—Salt, one ounce per diem to each prisoner six days in the week, and half an ounce to each on Saturday, cheese and beer being given out that day for dinner:—Flesh, usually cow or ox heads, at the rate of thirteen pounds Dutch weight, for every *twenty* prisoners on Sundays, and the same quantity for every *thirty* prisoners on Wednesdays, or as near as possible to these respective quantities; the broth and potato-soup during the rest of the week are made from the fat skimmed off the Sunday and Wednesday's dinners:—Vegetables, from the garden as necessary, and as in season.

The Act provides, that the expense necessary for the alimenting and clothing of all the prisoners, shall be defrayed by the court or place from whence they were respectively committed.

The prisoners are employed in spinning, knitting stockings, picking oakum, weaving linen, cotton, and woollen stuffs, making list shoes, sewing, &c. When prisoners bred to handicraft trades are in custody, they are employed as required, for the use of the prison, in carpenter-work, cooper-work, smith-work, shoe-making, painting, white-washing, &c. Some of the most trusty of the female prisoners are set apart for cooking, washing, and cleaning the prison, and the garden is also cultivated by the labour of the prisoners; almost the whole of the house clothing and bedding is now manufacturned by the prisoners, and all of it is made up by them.

Regular accounts are kept of the work performed by every prisoner; and where the earnings exceed the maintenance, &c. the Act gives the annual committee of commissioners full power, from time to time, to order the surplus to be paid to the wife or family of the prisoner; but where there are neither wife nor family, or in so far as the same may not have been so paid, the prisoner is to receive one-third part thereof upon dismission, either in cash or useful articles, as he or she inclines; another third in six months after, upon producing a certificate from a justice of the peace, that the prisoner has since dismission been honestly and industriously employed; and the last third at the end of twelve months, upon producing a like certificate; but no such payments are to be made, unless the prisoner's good behaviour while in custody is certified by the governor.

The annual establishment payable in salaries to the governor, governess, surgeon, chaplain and other officers and servants, is defrayed by an assessment of one shilling per annum on every house within the city and county of Edinburgh, rented at or worth 5*l.* yearly or upwards, and a like assessment of one shilling upon every ploughgate of land in the county. None of the officers or servants enjoy any other emolument than the salaries and allowances settled and approved of by the commissioners, there being no fees of any description payable in this prison.

Whipping or other corporal punishment for any misbehaviour or offence committed within the prison, is not permitted by the Act, without a warrant from the magistrates of Edinburgh, the sheriff, or one or more of the justices of the peace for the county, proceeding upon a written complaint at the instance of the governor, and a regular proof on oath in presence of the prisoner complained upon; but to preserve subordination, the governor is empowered to punish refractory prisoners by a temporary diminution of the ordinary allowance of provisions, solitary confinement on bread and water, putting in fetters, &c. but the last seldom occurs.

The chaplain performs divine service once every Sunday and Wednesday; and during the Lord's day, the prisoners are employed in catechising, reading the Bible, &c. in classes of six or eight in a cell. They have then also an occasional relaxation, when the weather permits, by being allowed to walk in one of the courts of the prison, in such numbers as the governor directs, under charge of the turnkeys. When the chaplain visits the prison on Wednesday, he gives an exhortation and prayer; and those prisoners who are considered to be in a dying state, he reckons it an important part of his duty to visit often and specially. Many youths of both sexes are prisoners who cannot read; the utmost pains is taken to instruct them, and as far as can be, every attempt is made to improve the morals of the prisoners in general. Prisoners are occasionally to be found fitted to instruct young persons in reading, but in order to produce uniformity and method, it has been judged more expedient to hire a person to teach them regularly two hours every day.

The governor has a discretionary power to reward prisoners who are exemplary in their conduct and industrious, by an extra allowance of provisions, while in custody, and a small gratuity in money or clothes at liberation, where no balance is due upon their accounts.

Seclusion from friends being a principal part of the punishment intended by the Bridewell, no person is permitted to visit a prisoner without a special order in writing from one of the commissioners or the magistrate by whose warrant the prisoner was committed, and that only on one day of the week, between the hours of ten and twelve forenoon; nor are

supplies

23. Edinburgh.

supplies of provisions or other articles allowed to be brought in or sent by the friends and relatives of prisoners, that all may be on a footing with respect to diet and clothing.

By the Acts for regulating the police of the city of Edinburgh and adjoining districts, the annual committee of the commissioners of bridewell, are empowered to shorten the periods for which persons are committed to bridewell, on being satisfied of their good behaviour during confinement, and that they show marks of penitence and amendment.

The principal defect of the building consists in the facility with which the prisoners can communicate and see each other in the front working cells, occasioned by the semicircular form of the house. To remedy this evil, and at the same time preserve the benefit of the central inspection tower, is a subject which has frequently occupied the attention of the commissioners, but hitherto no plan has been suggested which would altogether obviate the inconveniency; perhaps a small projection between every two cells, and a greater one at farther intervals along the semicircle, might have a good effect; these last, however, ought to be moveable, that the view of the chaplain during divine service may not be obstructed.

Another error in the construction of the prison, and which ought to be guarded against in all similar establishments, is the manner in which the doors and windows of the sleeping and solitary working cells are placed. These in general are close to each other in every two cells, so that the prisoners (especially after being locked up at night) can and do converse with each other, without the possibility of detection. This is a defect which can hardly ever be remedied in the present building, but it ought to be a rule in all plans of prisons, to remove the doors and windows of each cell as far as possible from those of the apartment immediately adjoining.

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*22. — ELGIN.

*22. Elgin.

1.—THE jail of Elgin is sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein.

2.—The tolbooth of Elgin was contracted for to be rebuilt in the month of April 1709, but not finished until the month of May 1717; it was built out of the funds of the burgh, with the assistance of voluntary subscriptions from individuals, and has since been kept in repair out of the town's funds. Adjoining the jail are a court house and a town hall; but it does not appear, from the records of the town council, or any others which can be found, that they were built separately from the jail, but on the contrary seem, from their appearance, to have been built along with the jail. The contract for building the jail was 4,000 *l.* Scots. or 333 *l.* 6*s.* 8*d.* and three chalders of victual.

3.—The jail of Elgin is a square tower, situated in the middle of the High-street, having a spire, with the court house and town hall built to it, in a line leading westward. The jail contains, in all, five apartments, which are all vaulted, and are from fifteen to sixteen feet square. The highest is an apartment destined for civil prisoners, but seldom used. The second from the top is the pit or dungeon, vaulted and dark, being only seven feet high at the centre of the vault. This apartment is destined for the reception of criminals; it is sometimes also used for the temporary confinement of maniacs: it has a strong iron door, and contains chains and fetters. The third is the debtors room. The fourth is called the clerk's chamber, but is sometimes occupied by debtors of higher rank. The fifth (or apartment on the ground floor) is the military guard house. Prisoners confined for debt have generally the privilege, during some part of the day, of walking on the bartizan of the tower. Under the court house and town hall are four vaulted apartments, which could be used for the confinement of prisoners, were that necessary; but one of them only is sometimes used for confining vagrants or irregular persons, for a short time; two others being used as cellars; and the fourth as a shop, for which certain rents are paid to the magistrates for the common good.

4.—No record of incarcerations having been kept previous to the year eighteen hundred and eleven, this query cannot be satisfactorily answered; but the average number confined for the last seven years, is two.

5.—The number of prisoners is supposed to have increased of late years.

6.—The proportion the criminal bear to the civil prisoners, is supposed to be usually as one to twenty.

7.—The proportion of the prisoners from the population of the burgh to those from other parts of the county, is equal, for the period of seven years, for which the record has been kept.

8.—The burgh has not, during the last twenty years, sustained any loss by the escape of prisoners for debt.

9.—There are three town officers, who receive from the funds of the burgh four pounds sterling, each of yearly salary, and who officiate each week alternately as jailers, and are entitled to fourpence per day from each prisoner confined for debt; a fee which has been established by usage.

10.—Each

10.—Each of these officers finds caution to the amount of five hundred merks.

11.—The jail of Elgin being built entirely of stone, very few repairs are necessary on it; they may be estimated at twenty shillings per annum.

12.—The amount of the gross revenue of the burgh is three hundred and seventy pounds sterling yearly; out of which are paid salaries and stated payments to the amount of two hundred and twenty-four pounds nineteen shillings and three-pence sterling.—N. B. There being a jail at Forres, in this county, prisoners for debt in the western district are confined there, which lessens the number at Elgin.

Pat. Duff, Clk.

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*23.—FORTROSE.

23.* Fortrose.

Sir, 1 May 1818.

IN compliance with the desire of the Committee of The Honourable House of Commons, I beg leave to send you the answers from this burgh to the queries which they were pleased to have made to the magistrates of the royal burghs of Scotland, respecting their jails; *viz.*

1.—The jail is insufficient for the accommodation or secure custody of civil or criminal prisoners.

2.—There is no record to show at what time it has been built; but there can be no doubt that the expense has been supported by the burgh. There is a court house or town hall connected with the building, which has lately been repaired by subscription.

3.—The accommodation consists of one apartment only, in which both civil and criminal prisoners are of course confined. It may be said, that there is a vault, but of a description considered by the magistrates as unsuitable for a place of confinement for the worst of felons.

4.—The number of civil and criminal prisoners, on an average of the last twenty years, may be stated at from 4 to 5; sometimes 6.

5.—The number has been on the increase, particularly for the last five years.

6.—The number of civil to criminal prisoners have been, in the proportion of 8 to 1.

7.—There have been confined, belonging to the population within the jurisdiction of this burgh, within the last twenty years, 5 for debt, 3 for petty crimes, and 1 for theft.

8.—The burgh has sustained the loss of a small property, which the magistrates were under the necessity of selling, under the following circumstances:—A man of the name of Mason, having been confined for a debt, amounting to about 80*l.* was detained so long in prison, that the magistrates, in consideration of the situation of the jail, as affecting the prisoner's health, felt it incumbent on them to allow him, under charge of the jailer, to walk occasionally in front of the jail, for the benefit of the fresh air; and though the prisoner was still in safe custody, this indulgence having come to the knowledge of his creditor, a gentleman resident in the town of Cromarty, he forthwith commenced a process against the magistrates (availing himself of their responsibility), in which he was successful; and the magistrates, in consequence, having been taken by caption for the debt and expense, to relieve themselves, were obliged to sell the property alluded to, which at that time was worth 200*l.* but now may be fairly estimated at 300*l.*—Two debtors effected their escape, owing to the insufficiency of the jail, but for whose debt the magistrates were not sued.

9.—The precise amount of the jailers income cannot be ascertained, as their emolument chiefly arises from the jail fees, with the exception of two pounds paid from the funds of the burgh.

10.—The jailer does not find caution.

11.—Owing to the inadequacy of the burgh funds, scarcely any repairs have been made for the last thirty-five years; hence the present state of the jail may easily be inferred.

12.—The present income of the burgh is from 10*l.* to 12*l.* annually, arising from small feus and customs. For some time back it has been falling off: there is now, however, a prospect that it may increase from 40*l.* to 50*l.* the magistrates having found out some waste spots of common ground.

Having replied to the several queries proposed by the desire of the Honourable Committee, I beg leave to submit to their consideration, the peculiar manner in which the hardships complained of in the Petition and applicable to this burgh, owing to its local situation and circumstances rendering these unavoidable, from its being absolutely indispensable that there should be a jail in the district.

The burgh of Fortrose is situated in the southern district of the extensive county of Ross, generally known by the name of the Black Isle, though, more properly speaking, a peninsula, separated from the rest of the county by an arm of the Murray Frith, extending from the seaport town of Cromarty, in a westerly direction, for upwards of thirty miles, until it is joined by

23.* Fortrose.

by the river Conan, beyond the burgh of Dingwall; and bounded on the south by a continuation of the Murray Frith; passing by the burgh of Fortrose, opposite to Fort George, in a south-westerly direction, for thirty miles, until it is joined by the river Beauley, below the village of Beauley.

The district of the Black Isle also comprehends the county and county town of Cromarty, and a part of the county of Nairn, known by the name of the barony of Ferintosh, separated from its county by the southern part of the district of the county of Ross, the Murray Frith, and a part of the county of Inverness.

The town of Cromarty, although the county town (very populous, and a sea-port), is not a royal burgh; consequently it is exempted from the burden of maintaining a jail, and receiving prisoners.

Hence it is, that the burgh of Fortrose is not only made liable to the responsibility and reception of prisoners from the county to which it belongs, but from the county of Cromarty, and that part of the county of Nairn locally situated in the district. But these hardships are experienced in a threefold proportion from the town of Cromarty, as the jail of this burgh is the only one accessible to them, unless at a great expense to the unfortunate prisoner, and much inconvenience should they be sent to a more distant jail; thereby depriving them of the immediate assistance which their friends might be disposed to afford to them, and the support which they would naturally derive from the vicinity of their families, during their confinement. Of this privilege, however, of choosing the jail of this burgh as the nearest and most suitable to their situation and circumstances, as the law now stands, they cannot be deprived.

In addition to the hardships already stated, the magistrates of this burgh are perpetually exposed to prosecutions on account of the unsuitableness of the accommodation of the jail for the reception of civil prisoners, and which they are unable to remedy, being totally destitute of funds.

From the whole of the circumstances which I have taken the liberty of detailing, for the information of the Committee, with great deference, I presume it will occur to them, that whilst, from its local situation, the jail of this burgh is absolutely indispensable for the district of the Black Isle; that the county of Cromarty being exempted from the hardships complained of by its county town not being a royal burgh, thereby considerably increasing the difficulties of this burgh, in equity should be made liable to contribute their aid with whatever the county of Ross may be disposed to afford, as well as that part of the county of Nairn locally situated within the district; that the burgh may be enabled to build and support a jail efficient and suitable for the accommodation of civil and criminal prisoners.

I have the honour to be, Sir,

Your most obedient servant,

Rod^k Macfarquhart,
One of the Magistrates of Fortrose.

To the Clerk of the Committee
on Scotch Jails.

24.—GLASGOW.

24. Glasgow.

1, 2, 3.—THE old jail of Glasgow, although not inferior to most burgh jails in Scotland, was not sufficient for the accommodation of the prisoners usually confined in it; but about four years ago, the magistrates and council of Glasgow, at the expense of the corporation, completed the erection of a new court-house and jail; the latter consisting of a north and south range of buildings for debtors, and a west range of buildings for criminals, with two inner courts for the use of the prisoners. In each of the north and south ranges of buildings, there are four stories or floors, each floor containing six apartments for debtors, and a day-room; and in the west range of building, there are two separate compartments, divided by the jailer's house and chapel, in each of which compartments there are four floors or stories, each containing six night cells for felons, and a day-room. The expense of erecting this new court-house and jail, has amounted to 30,580 *l.*; so that, after deducting 7,700 *l.* the price obtained for the old court-house and jail, the new edifice has cost the city 22,880 *l.*; it is of course, at present, sufficient for the accommodation of the prisoners usually confined in it. The expense of the jail, as distinct from that of the court-house, was about two-fifths of the whole expense.

4, 5, 6.—From various obvious causes, the jail of Glasgow has become of late, more crowded than formerly. The average number of prisoners confined in the old jail for four years preceding the removal to the new jail in February 1814, was from 60 to 70. The average number of prisoners in the new jail, has been from about 110 to about 120.

The average number of prisoners confined for debt, is from 40 to 50; and of those confined for crimes, from 60 to 70.

The number of debtors imprisoned since the removal to the new jail on the 14th February 1814 to July last, (to which date only the return has been completed, owing to the intervening deaths of the two last keepers,) has been 1,746; of whom 997 were resident in Glasgow, and 749 not.

24. Glasgow.

7.—The relative proportion of the persons resident within the burgh, and of the persons not so resident, who have been imprisoned for crimes, cannot be accurately ascertained, as the warrants of commitment show merely the description of the judges who commit, not the residence of the parties; and the county magistrates commit persons resident within the city, as well as the city magistrates.

8.—In the course of the last ten or twelve years, the jailer, it is believed, has had to pay about 100 *l.* in consequence of the escape of prisoners. This escape, however, was not occasioned by the insufficiency of the jail, but by the negligence of the jailer's servants; and for a long period, the burgh has not paid any thing on account of the escape of prisoners for debt. The city of Glasgow has not sustained any material losses from the escape of prisoners, because the magistrates and council have taken care to maintain the sufficiency of the jail, and to appoint from time to time careful jailers.

9.—The jailer's salary, as lately augmented, is 150 *l.* per annum, exclusive of the jail fees, which he is authorized to exact, and to apply towards defraying the salaries of the clerk, turnkeys, and servants, and other current expenses of the jail. The jail fees, exigible from the incarcerator, are paid pretty regularly, and amount to about 100 *l.* per annum; but owing to the recent judgments of the court of session, as to the legality of exacting jail fees from prisoners, and the difficulty of enforcing payment, the annual amount of the jail fees, paid by debtors confined in the jail of Glasgow, has of late years been reduced from about 100 *l.* to about 30 *l.* per annum.

10.—The jailer finds caution to the burgh, to an unlimited extent.

11.—The annual expense of upholding and keeping the jail, has, independently of 1,144 *l.* 0 *s.* 4 *d.* the annual interest of the sum recently expended on the new erection, amounted for the years 1814, 1815 and 1816 to the following sums, exclusive of the jail fees levied, viz.: To 596 *l.* in the year 1814; to 925 *l.* 6 *s.* 3 *d.* in the year 1815; and to 856 *l.* 3 *s.* 10 *d.* in the year 1816; making an annual average expenditure of 792 *l.* 10 *s.*

The annual expense of upholding and keeping the jail, has increased of late years, from the increase in the number of prisoners, from the additional accommodation afforded to the prisoners, from the increase in the number of jail servants, whom the more extensive buildings have rendered necessary, and from other similar causes.

12.—The revenue of the burgh for the year ending December 1816, to which date only the accounts are brought up and finally closed, amounted to 15,063 *l.* 9 *s.* 4 *d.*

The revenue consists of the rents of lands; of feu duties, ground annuals and casualties; of rents of mills, houses, shops, and quarry; of the rents of church seats; of dividends on stock, in canals and waterworks; of impost on ale and beer; of duties and rents of markets, &c. and burgess entries.

The expenditure of the burgh for the same period, amounted to 15,085 *l.* 9 *s.* 6 *d.*

The expenditure may be classed under the following heads:

Ecclesiastical Establishment:—Which embraces the stipends of seven (now eight) established ministers, sacramental elements, the salaries of the precentors, beadles, bell-ringers, cleaning, insurance, and repairs of churches and steeples.

Civil Establishment:—Which embraces the salaries of the chamberlain, superintendent of works and other public officers, the town officers wages and clothing, the furnishings to and repairs on the court-house, town hall, and public offices; the salaries of the grammar school masters, the prizes for the scholars, furnishings and repairs on school, the contribution to royal infirmary, the annual contribution to the town's hospital; the annual contribution to the police establishment, for lighting and cleaning the streets, &c.; and the extra sums paid to constables for preserving peace on public days; the expense attending the public clocks, the public markets, public washing-house, public weigh-house, public wells, public green, public pavements; the expense of insuring public buildings, &c.; conveyancing, writer business and unavoidable law proceedings; stationary, interest on borrowed money; teinds, cess, and stent; property tax; annual missive dues imposed by convention of burghs, and expense attending convention, &c.

Military Establishment:—Which embraces the billet master's salary, stationary, carriage of soldiers baggage, repairs on guard houses, and furnishings.

Criminal Establishment:—Which embraces the procurator fiscal's salary; criminal officers wages, and clothing; the expense of criminal prosecutions before the magistrates; criminal precognitions for trial before justiciary; justiciary court expenses, including entertainment to the judges; the salaries of jailer, his clerk and servants; surgeon to jail; aliment of criminal prisoners; expense of public executions, including executioner's salary; repairs on jail, and furnishings to prisoners; watching, advertisements, printing, &c.; the salaries of the keeper of Bridewell, and assistant; surgeon, minister, teacher, and expense of alimenting beyond earnings of prisoners, besides repairs, &c. &c.

The expenditure, which for a series of years past, the magistrates and council of Glasgow have found it necessary to incur for the accommodation of an enlarged community, not merely in the erection of a court-house, jail and bridewell, and in the administration of criminal justice; but also in the erection and endowment of churches, and other useful

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undertakings, has proved a heavy burden on the funds of the burgh; and in such circumstances, it is certainly highly reasonable, that the adjacent counties should assist in bearing part, at least, of the annual expenses of the jail, of which they have the use in common with the inhabitants of the burgh.

1st May 1818.

Robert Haddon,
Chief Magistrate of the City of Glasgow,
in absence of the Lord Provost.

25.—HADDINGTON.

25. Haddington.

1.—THE jail of Haddington is barely sufficient for the accommodation of the prisoners; the want of accommodation applies, however, rather to the civil than to the criminal prisoners.

2.—The jail was originally built out of the funds of the burgh, and has been kept in repair at the expense of the burgh. It has not been enlarged since it was originally built, but various improvements have taken place, calculated for the comfort and accommodation of the prisoners. There is a town hall attached to the jail, built and kept up at the expense of the town; and used for the meetings of the town council, and other public bodies connected with the town, as well as for all county meetings. The expense of the room would bear a small proportion to the whole expense of the building.

3.—There are five cells for criminals, and two for prisoners confined for debt. The former have no fire-places, but are in other respects as comfortable as their situation will admit.

4.—As no distinct record has been kept of the prisoners confined, it is difficult to answer this query. During the last year, the average number of criminals confined, was five; and of civil prisoners, three.

5.—The number, both of civil and criminal prisoners, has rather increased of late years; but the extent of the increase cannot be ascertained.

6.—The number stated as the average of prisoners for last year, is very near a fair general average; that is to say, the criminal prisoners rather exceed the others.

7.—Of the prisoners confined last year, there would scarcely be one on an average belonging to the population of the burgh, including both debtors and criminals.

8.—Only one prisoner for debt has escaped within the last 20 years; his escape was effected through the intoxication of the jailer. This debt was about 100 *l.* which the town had to pay.

9.—The regular salary of the jailer is 20 *l.*; about a fourth of which is usually paid by the county out of the rogue money; but they refuse to come under any engagement for a fixed salary. He has besides, an allowance of four-pence per day from civil prisoners.

10.—The jailer has not always been called on to find caution; the present jailer has given caution for his good behaviour, but to no specific amount.

11.—The ordinary repairs and accidental expenses for the jailer, are not considerable; but within the last seven or eight years, it has, independent of these, cost the town about 150 *l.* for improving the interior of the jail.

12.—The average annual income of the burgh, for some years past, may be stated at about 1,000 *l.*; but a part of this must be set apart to meet the interest of the debt. It arises chiefly from the rent of mills and land, from feu duties, and from petty customs. The income has not varied much for some years, but it is at present rather falling off than increasing.

Nothing further occurs to the magistrates of Haddington in answer to the queries transmitted by the Committee of the House of Commons, on the subject of Scotch jails, except to express their strong conviction of the necessity of some legislative measure on the subject, and their hearty acquiescence in the petition from the convention of royal burghs.

6th April 1818. *Alex^r Donaldson,* Town Clerk.

26.—INVERARAY.

26. Inveraray.

1.—THE present jail is not sufficient for the accommodation, nor for the secure custody of the civil and criminal prisoners confined therein.

2.—It was built about seventy or eighty years since, at the expense of the Duke of Argyll and a few other public spirited heritors of the county, and is connected with a court house and sheriff clerk's office, but the expense of the building is not known. The burgh did not contribute any part of it.

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26. Inveraray.

3.—The accommodation consists of one apartment for debtors, of 18 feet by 9, and three cells for criminals, of 10 feet by 10. The apartment for the debtors has one window secured by an iron grating. The cells for the criminals are without windows, having each a small aperture of 2 feet by 7 inches, to admit air and light, and secured with iron bars

4.—The average number of prisoners, civil and criminal, usually confined at the same time, is about six; occasionally there may be double that number or more.

5.—Of late years the number is increased.

6.—The proportion may be reckoned, two civil and four criminal.

7.—Not one in a hundred of the prisoners usually belong to the population within the jurisdiction of the burgh.

8.—The burgh has not sustained any loss by the escape of prisoners for debt, during the last twenty years.

9.—The jailer has a salary of 8 *l.* from the burgh, he is entitled to a small daily allowance from prisoners confined for debt, but this is seldom or never paid, and he is provided in a house. The emoluments are so small, that the present jailer has intimated his intention to resign, unless his salary is augmented.

10.—The jailer finds caution to the amount of 30 *l.*

11.—The present jail being considered totally unfit for the accommodation or security of prisoners, and it having been for years past in contemplation to erect a new one, there has been laid out in repairs and other incidental expenses as little as possible, and not exceeding 5 *l.* upon an average for the last twenty years. These expenses are increasing, owing to the number of prisoners having increased.

12.—The annual income of the burgh does not on an average exceed 110 *l.* It arises from a common, the property of the burgh, the right of ferrying across Lochfine from Inveraray to Cowal, and a small duty the burgh is entitled to levy upon all black cattle passing through its limits to market. The annual income is rather decreasing, and after paying the salaries to the schoolmaster, town clerk, treasurer and jailer and town officers, there remains only about 30 *l.* for incidental expenses.

General Remarks.—The state of the present jail is such, from the want of accommodation for prisoners and its insufficiency, owing to which several criminals have escaped within the last ten years, that the Lords of Justiciary, after causing the jail to be inspected, threatened to withdraw the Spring and Autumn Circuit courts entirely from Argyllshire, unless these matters were remedied. As such a measure, besides the discredit that would thereby attach to the county, would occasion a great deal of inconvenience and expense to the heritors and other inhabitants, who would be called upon to attend the circuit courts at whatever place might be fixed by the Lords of Justiciary for holding them, which was understood to be Glasgow, distant more than 150 miles from the residences of many of those who would be called upon to attend; meetings of the heritors were held, and it was at last agreed upon by a great majority, that application should be made to parliament for an Act authorizing the heritors and burgh of Inveraray to assess themselves in the expense of making and erecting a new building proper for confining the prisoners of the shire and burgh, for holding the different courts, county and burgh meetings, and for preserving the records of the shire. An Act was accordingly passed in the year 1814, authorizing commissioners therein named to assess the shire in a sum not exceeding 7,000 *l.* for these purposes, and also for the future repairs of the buildings. The interest of the burgh of Inveraray in the intended buildings was reckoned so very inconsiderable, that by the Act their proportion of the expense is limited to the sum of 50 *l.* together with any annual repairs not exceeding 5 *l.*; but when the repairs exceed that sum they are to be assessed upon the county. From these apportionments and state of the revenue the committee will judge of the ability of the burgh either to build or maintain a jail sufficient for so extensive a county as Argyllshire. Upon passing the Act, plans were procured from an eminent architect for a town house and two jails, one for civil and the other for criminal prisoners, both to be inclosed within a court, surrounded by high walls; but upon procuring estimates it was found that the expense of the town house and one of the jails would amount to 5,858 *l.*; and as an expense of near 1,500 *l.* had been incurred in obtaining the Act, purchasing the ground for the buildings, procuring plans and estimates, and in incidental charges, it was determined upon by the committee, that with the limited assessment the town house and one of the jails only could be built. The expense of the town house is estimated at 3,700 *l.*, of the jail already built at 1,000 *l.*, and the remainder of the 5,858 *l.* is required for inclosing the court, surrounding the jail, and embankin the ground from the sea; which last has occasioned a very considerable outlay. The jail is nearly completed, and contains a hall 21½ feet by 10½ feet, for the prisoners to assemble in during the day, and eight cells from 8 feet by 8 to 11 feet by 8; but owing to the deficiency of funds and the want of power in the heritors and magistrates to increase the assessment, so as to complete the intended plan of a separate building for civil debtors, felons and debtors must unavoidably be forced to associate during the daytime, as neither can be excluded from the use of the common hall. While this continues, civil prisoners will in that respect be in a worse situation than they are at present, as their apartment is not allowed to be encroached upon by criminal prisoners. The

26. Inveraray.

The new town house is in a state of forwardness, and it is expected that the whole will be completed in the year 1820. But the inconveniences above mentioned must continue, either until a new act is obtained for completing the original plan, or until a law is passed, empowering heritors of counties and magistrates of burghs to assess themselves in such sums as may be necessary for buliding, enlarging, or repairing jails.

22 April 1818. *Colin Campbell,* Provost.

27.—INVERBERVIE.

27. Inverbervie.

THERE is no sufficient jail in this burgh for the accommodation or secure custody of civil and criminal prisoners.

Criminals are sent to the county jail, and debtors are not received here.

A cellar under the town's house is the only place of confinement, which would not accommodate above two persons, and has been in disuse so long as the memory of man can extend, except perhaps the temporary shutting up or lodging of any person apprehended. There is no jailer, the town's officer is the only person who would have the custody of any person temporarily lodged here; his salary as town's officer is about 40*s.* per annum. The income of the burgh, arising from feu duties and rents, does not exceed 50 *l.* per annum.

The only material recent repair to the town house, to which the cellar is attached, was some years back, when 20 *l.* or 30 *l.* was expended from the town's funds on that building.

25 March 1818. *John Low,* Town Clerk.

28.—IRVINE.

28. Irvine.

1.—NO criminals are confined in the jail of Irvine for more than 24 hours, when they are sent to Ayr, where the county jail is situated. But the jail of Irvine is by no means sufficient for the accommodation of civil prisoners confined in it.

2.—The jail was rebuilt in the year 1745, at the expense of the burgh. There are two apartments in it for the confinement of civil prisoners, with a lobby and two small places of confinement for delinquents. The jail is connected with a court house, guard room, council room, and clerk's chamber; all of which were also built at the expense of the burgh; and it is the opinion of builders, that the erection of such a jail at the present day would cost at least 2,000 *l.* sterling.

3, 4, 5, and 6.—The two apartments allotted for the accommodation of civil prisoners measure each 14½ feet in length by 9 feet in breadth, and for several years after the jail was rebuilt in 1745 it was perfectly sufficient for the accommodation of all the prisoners who were sent to it. But owing to the increasing population of the country, and the late depressed state of commerce and agriculture, the jail has become quite inadequate for giving proper accommodation to the prisoners. For a considerable time past there have been constantly under confinement no less than 20 persons, and from the smallness of the two apartments the prisoners have no room to walk, except in the lobby, which is also used as a necessary. Indeed there being at present 23 civil prisoners, some of them are obliged to sleep in this necessary for want of room in either of the two apartments. It must be obvious therefore, and the magistrates beg leave to state it as their opinion, that the confinement of a person in their jail for any considerable period must materially injure his constitution; and owing to the number of prisoners, and the smallness of the apartments in which they are confined, and the consequent impurity of air they must breath, there is the greatest danger of some epidemical disease being produced among them. To corroborate this statement it may here be mentioned, that very lately one of the prisoners was seized with a typhus fever, and had he not been removed from the jail, the contagion would, in all probability, have proved fatal to his fellow prisoners. Hence it is manifest, and the magistrates humbly beg leave to state that their jail is insufficient and uniformly too crowded, and the prisoners from this cause kept in a state disgraceful to the country.

7.—The number of prisoners who reside in the burgh bears no proportion to those who reside without its jurisdiction; indeed the prison books hardly afford evidence of more than three burgesses being prisoners in any one year. The prisoners chiefly belong to Kilmarnock, Stewartown, Beith, and the other towns in the county laying north of Irvine.

8.—There has not been an instance of a prisoner escaping from this jail, for the last 20 years.

9.—The jailer has a salary of 30 *l.* sterling, which is paid out of the burgh funds.

10.—The jailer finds caution to the extent of 500 *l.*; but from the trifling salary and the nature of the office it is impossible to get a jailer who can find caution to a sufficient extent. The debts for which the present prisoners stand incarcerated amount to upwards of 1,300 *l.* sterling. So that it will be observed, the burgh runs a very considerable risk in being subjected in payment of the debts for which prisoners stand incarcerated in consequence of the inattention or misconduct of their jailer.

28. Irvine.

11.—The average expense for repairs, &c. to the jail for the last 20 years, exclusive of jailer's salary, may be stated at 12 *l.* sterling per annum, and this expense is increasing yearly.

12.—The average income of the burgh may be stated at about 1,000*l.* per annum, arising from land rents, feu duties, and petty customs; it however fluctuates according to the rise or fall of rents and other circumstances. But on reference to the factor's states relative to his intromissions with the burgh funds, it appears that for the last 20 years the outlay has exceeded the income of the burgh to the extent of 1,900 *l.*; and that over and above a considerable debt contracted prior to that period.

Having thus answered the queries transmitted to the magistrates, they humbly beg leave to remark to the Committee to whom the petition before-mentioned has been remitted, that notwithstanding they have been at the expense of building and upholding a jail, the inhabitants of the burgh of Irvine have been lately assessed to the extent of 3 *s.* 6 *d.* per pound sterling, of the annual value or rent of their houses, for the purpose of erecting a county jail in the head burgh of the shire.

The magistrates may here remark, that the jail of Irvine is perfectly sufficient for the accommodation of prisoners belonging to the burgh. But as the law stands, the magistrates are not safe in refusing to receive prisoners into their jail, coming from every quarter, although it should be too crowded; and to prevent the burgh from being involved in law suits, the magistrates must continue to receive prisoners until they are packed and stowed as closely as slaves in an African trader.

The burden of upholding a jail and receiving prisoners into it without limitation, has likewise entailed upon the burgh a heavy responsibility, and subjected the magistrates to much trouble and expense. They are made liable for the debts of all the prisoners, in case of their escape, or in the event of the jailer even allowing them the slightest indulgence; and from the trivial extent to which the jailer finds caution, little relief is afforded to the burgh for any loss it may sustain in this way.

There is another grievance of which the magistrates have to complain, and which they humbly beg leave here to represent. Owing to the limited size of the prison, the number of prisoners, and the impurity of the air which they must breath, the magistrates are frequently obliged to liberate them for want of health; and as the prisoner under such circumstances is uniformly unable to find caution, that he will not quit the burgh, and return to prison when convalescent, the magistrates must from necessity take this risk upon themselves.

From the various burdens above enumerated, and other grievances and inconveniences incident to the present state of the jail in the burgh of Irvine, the magistrates find themselves involved in a situation of much difficulty and responsibility, and it is scarcely possible for them to avoid frequent losses and continual law suits, and disputes with the prisoners and their incarcerators.

John M'Kenzie, Magistrate,
28th April 1818. *John Finlayson*, Magistrate.

Irvine, 30th April 1818.

The foregoing answers were laid before and considered by a meeting of the county held at Ayr, this day; which meeting being satisfied of the truth of what is stated in the foregoing answers, did not think it necessary to make any particular observations thereon. But from the discussion which took place at said meeting, the magistrates of Irvine have desired me, in addition to what they have already stated, to mention, that no jail fees have been exacted from the prisoners in their jail, for the last nine years past. That from the local situation of Irvine, and the enterprising nature and speculative disposition of the inhabitants in the vicinity of the burgh, there must constantly be a greater number of prisoners confined in this jail than in Ayr. For by the existing law prisoners must be carried to the nearest jail to the place of their apprehension; and if only 1-13th part of the sum which parliament has recently allowed for erecting a jail at Ayr, was allowed for altering and repairing the one at Irvine, it could be made perfectly sufficient for the accommodation of all the prisoners which would be sent to it.

Rob^t Rankin, jun. Town Clerk.

(29.)—INVERNESS.

29. Inverness.

1.—THE jail in the burgh of Inverness is not sufficient for the accommodation of either the civil or criminal prisoners confined therein: but, in so far as the accommodation goes, the jail is perfectly adequate to the secure custody of its inmates.

2.—The present jail was built about thirty years ago, chiefly at the expense of the burgh, liberally aided however by Government, by the county of Inverness, and by the contiguous counties of Ross, Nairn and Cromarty. The contribution by Government amounted to 1000 *l.* out of the confiscated estates. The aid afforded by the counties was comparatively trifling. The jail has been since kept in repair solely at the expense of the burgh. It is connected

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29. Inverness.

connected with, or rather contains a court room, in which the sittings of the Justiciary and Jury Courts, the Sheriff Courts, the Burgh Courts, the Excise Courts, the Quarter Sessions and the County Meetings are uniformly held. There is no other building attached except a steeple, which was erected at the expense of the burgh, aided by individual subscriptions.

3.—The accommodation of the jail consists of

3 cells - each	$9\frac{2}{12}$ feet long by	8^{6} feet broad and	$7\frac{10}{12}$ feet high	for Criminals.
1 d°	9	$6\frac{6}{12}$	$7\frac{6}{12}$	
1 Black hole	19	$9\frac{4}{12}$	9	
1 Guard room	$17\frac{9}{12}$	$9\frac{1}{12}$	9	for Military.
1 Room	$16\frac{9}{12}$	16	8^{2}	for Debtors.
1 d°	21	16	$8\frac{6}{12}$	
1 d°	19	9	$9\frac{3}{12}$	
1 d°	$17\frac{9}{12}$	9	$9\frac{3}{12}$	
1 Jury room	12	7^{4}	$8\frac{2}{12}$	Occasionally used for other purposes.
1 Witness room	$11\frac{6}{12}$	11	9	
1 Court room	$33\frac{6}{12}$	21	18	

Each of the criminal cells is provided with one iron bedstead constructed in conformity to Mr. Neale's plan.

4.—The number of prisoners civil and criminal usually confined at the same time, amounts on an average of the last 20 years, to about 12. The number has been sometimes so low as 5 or 6, and has occasionally exceeded 30; so that 3 and even 4 criminal prisoners have been, at certain periods, confined in *one* cell, and eight civil prisoners in one room.

5.—The number of civil prisoners has greatly increased of late years. The incarcerations of each of the years 1816 and 1817 were at least double those of any one year for a period of 20 years preceding. There has not been a corresponding increase of criminal prisoners. On the contrary, the committals for the ten years ending 1807, were to the committals for the 10 ensuing years, as 3 to 2.

6.—The civil prisoners are to the criminal prisoners, usually in the proportion of 5 to 6. By far the greater number of the criminal prisoners are confined for delinquencies of a minor sort, as desertions, smuggling and other offences against the Excise laws.

7.—A very small proportion of the prisoners usually belongs to the population within the jurisdiction of the burgh; not more than 1 in 12.

8.—The burgh sustained a loss of upwards of 15 *l.* last year, by the escape of a prisoner for debt. Several claims were made upon the burgh for the same cause within the last 20 years, and there are some now in dependence. These escapes were partly owing to the insufficiency of the jail now remedied, and partly it is believed to the remissness of the jailer.

9.—There are four jailers, or burgh officers as they are called. The senior is styled head jailer. He has an annual salary (including cost of his livery) of 25 *l.* and the other three of 23 *l.* each; in all 94 *l.* paid by the burgh. The jailers are entitled, by the custom of the jail, to a fee of 2 *s.* 6 *d.* at the entry of each civil prisoner, to be paid by the creditor incarcerator, and to a fee from the debtor, of one shilling and four-pence for the first, and four-pence for each succeeding night of his confinement. The payment of these latter fees may be said to be wholly optional to the prisoner, because it is neither legal to detain his person for the debt, nor to sue him afterwards for it. From all the information that can be obtained, it does not appear that the income of the head jailer ever exceeds 27 *l.* or of the under jailers, 25 *l.* each per annum.

10.—The jailers do not find caution, as their emoluments are not large enough to induce persons who could find caution to apply for the office.

12.—The annual amount of repairs and other incidental expenses attending the jail and paid by the burgh, exclusive of 94 *l.* for jailer's salaries, is, on an average of the last 20 years, 36 *l.* sterling. The average annual amount for the last 10 years is 50 *l.*; hence it will be seen that the expenses are rapidly increasing.

	£. s. d.	£. s. d.
12.—The gross income of the burgh for the last year was - - -		1,559 12 4
But part of this income arises from sources having only a temporary existence, and the proceeds are and must be applied to particular purposes; as		
1st. The new shore dues are levied by virtue of an Act of Parliament, and the proceeds applied to extinction of the debt created in enlarging and improving the harbour; an object which when accomplished, the dues cease, or at any rate will be greatly reduced, so as only to equal the outlay; hence off - - - -	223 — —	

2d. The

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		£. s. d.	£. s. d.
2d. The street-sweeping establishment proceeds 140 *l.* are included in the above gross income. These proceeds are not only absorbed in the expenses of the establishment, but an annual surplus of 46 *l.* is paid by the burgh; hence off - - - - - - -		186 — —	
3d. The toll of the new bridge amounts to 42 *l.* per annum, which is appropriated to the repairs of the bridge; these repairs cost 600 *l.* last year - - - -		42 — —	
4th. The proceeds of small weights and steelyards are annually swallowed up in repairing the machinery -		13 — —	
			464 — —
Balance arising from land and shop rents, feus, fishings, burgess dues, petty customs, toll of old bridge, hand bell, grass, &c. - - -			1,095 12 4
Of this Amount the following sums have a distinct unavoidable destination:			
1st. Salaries paid by the burgh to			
The school-mistress, music and dancing master -		100 — —	
The police officer and billet master - - -		27 — —	
The burgh officers and executioner - - -		115 18 1	
Sundry other persons employed by the burgh -		16 15 4	
		259 13 5	
2d. Annual contribution to academy	£. 70 — —		
Missive and eque dues to convention of burghs - - - -	33 8 7		
Stipends - - - - -	15 13 $9\frac{3}{4}$		
Insurance and rents - - - -	8 — —		
		127 2 $4\frac{2}{4}$	
3d. Pensions and annuities arising from mortified funds included in permanent income - - - -		181 5 —	
4th. The town's debt amounts altogether to about 6,150 *l.* whereof 3,500 were borrowed for the purpose of enlarging and improving the harbour, and 600 *l.* for repairing the new bridge. But these two sums, 3,500 and 600 *l.* cannot be charged against the permanent income of the town, because their progressive extinction is provided for out of the temporary or *extra* revenue of the town deducted as above from the permanent income. Then 6,150 less 4,100 *l.* leaves 2,050 *l.* as the *real debt* of the burgh chargeable on its permanent revenue.			
5th. The annual interest on the real debt of the Burgh		102 10 —	
			670 10 $9\frac{2}{4}$
Remains a balance which is scarcely adequate to the outlay of the burgh in all the other branches of its ordinary and incidental expenditure, in repairs to town hall and other public buildings, to old bridge and old harbour, in unavoidable law costs incurred in defending or recovering the rights of the burgh, and in the punishment and prosecution of burgh offenders, and in a great variety of casual expenses which do not admit of specification in an abstract of this kind, but which are notwithstanding of a serious amount in the aggregate; so that the most rigid and even parsimonious economy will hardly keep the town's debt from increasing - - - - - - - -			425 1 $6\frac{2}{4}$

With reference however to this view of the town's income, it may be proper to observe, that an annual sum of about 200 *l.* is levied for the repair of the streets, pavements and roads within the extended royalty of the burgh; but this sum cannot be classed under the denomination of the town's income, because, although the amount of the assessment is under the control of the magistrates *qua* trustees, yet they are obliged to keep distinct and separate accounts of their intromission and management subject to the inspection and approval of the county at large. Indeed the modes of collecting and applying this fund, the authority under which it is levied, (an Act of Parliament applicable to the whole county) and the principles upon which it is administered, are wholly and widely apart from the administration of

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of the town's income, with which it is never blended. A pretty considerable revenue arises from the rents of church seats. This revenue is never mingled with the town's accounts, but is uniformly kept *per se*, and laid out in repairing and improving the different churches.

29. Inverness.

Inverness is the only burgh in the county of that name, which is by far the most extensive in Scotland, being nearly double the size of the large county of Perth. There are two or three small jails or rather *lock-up-houses* in remote parts of the county, for the temporary custody of criminal prisoners only. These lock-up-houses (which were at first built at the expense, and intended only for the convenience of the neighbouring heritors and justices of the peace,) have been lately taken under the superintendence of the county, at whose expense these establishments are for the future to be paid. No relief however is thereby afforded to the burgh jail, because the prisoners are forwarded to it from the smaller jails whenever the transference can be made with safety or convenience. But this is of little consequence compared with the frequent influx of criminal prisoners from other counties. The sittings of the Justiciary Court for the Northern Circuit are held at Inverness, for the trial of criminal offences committed within the counties of Inverness, Nairn, Moray, Ross, Cromarty, Sutherland and Caithness. The consequence is *that criminals from all those counties are occasionally confined in the Inverness jail for some time prior and posterior to their trials.* Indeed it has been a frequent practice, though not a strictly legal one, to send civil prisoners from the neighbouring counties to the Inverness jail, and the practice has been defended on the score of insufficiency in the regular jails of these counties. Hence it sometimes happens that the Inverness jail has been crowded to a degree not only extremely uncomfortable and distressing to the unhappy prisoners, but even dangerous to the community at large, from the infectious diseases to which such a state of things has a tendency to give rise. There is no court yard for the purpose of giving air, exercise or recreation to the prisoners, who are therefore indulged with the liberty of occasionally walking up and down the passages of the jail.

The Justiciary Judges frequently complain in severe terms of the want of sufficient accommodation in the court room, the enlargement of which cannot be effected without a total and complete change in all the interior arrangement of the jail. The burgh does not possess any ground contiguous to the jail, on which any additional buildings could be erected

Signed in name and by appointment of the Magistrates and Town Council, by

Inverness, 15th May 1818.
James Robertson,
Provost and Chief Magistrate of Inverness.

Sir,
Inverness, 17 June 1817.

I AM directed by the magistrates of Inverness to answer your circular letter of the 14th April.

In general I must refer you to a memorial handed you formerly in answer to your circular of the 18th October, as containing a full account of every information then required; but as you mention particular questions to be answered, I will attend to them in their order.

1.—The burgh jail has been generally found sufficient for the accommodation of prisoners of the town and extensive county, and even for such prisoners as are brought from the neighbouring counties to the circuits, and such of them as are detained after sentence, until the sentences are carried into execution; but of late years, it has been often the practice to bring prisoners and debtors here from other counties, on account of the jail being more secure, and the accommodation better; and such prisoners must be received when presented by a messenger having letters of caption. The court-house forms a part of the same building with the jail, and the accommodation of the court-house is rather limited, particularly in time of circuit.

2.—The jail is now becoming more crowded than formerly, not only from the cause I have mentioned of debtors being brought from other counties, but the general distress of the country.

3.—The average number of prisoners confined for debt may be about nine, and of those committed for crimes, about four.

4.—Of the prisoners belonging to the town and extensive county, one-fourth may be the proportion whose residence is within the jurisdiction of the burgh.

5.—The average expense of repair of the jail may be at least twenty pounds sterling per annum; but you will observe that the support of the town jailers will be about 74*l.* sterling, only the same persons act as the ordinary burgh officers.

6.—The expense has not been increasing of late.

7.—No part of the expense is defrayed by jail fees; no jail fees are exacted by the jailers from criminals, and the fees exacted from debtors are trifling; and no demand being made until authority for liberation is given, it most frequently happens that these debtors are unable to pay.

8.—The jailers do not find caution to any extent whatever, but in consequence of a late escape, it is now under consideration that the jailers shall in future find security to a limited extent.

9.—This

29. Inverness.

9.—This burgh has paid no sum for upwards of thirty years, on account of the escape of prisoners for debt, nor did any such prisoners escape, except one instance of a single individual prisoner *a few days ago*. Criminals have escaped from the jail of Inverness as from other jails, and a good deal of money has been paid from time to time for rewards and other expenses incurred in apprehending such criminals.

10 & 11.—I consider these questions as answered above.

I still beg leave to call your attention to the memorial sent you as to the particular situation of this burgh, being the only royal burgh in the extensive county of Inverness, and the jail thereof the only jail in the county.

I am, Sir, your most obedient servant,
John Irvine, Esq. *Campᵗ Mackintosh.*

Information for the annual Committee of the Convention of Royal Burghs, respecting the Jail of Inverness.

THE magistrates of this town in common with those of the other burghs of Scotland, feel very heartily the responsibility which is imposed upon them for debtors in their custody. The regular payments which are made out of the funds of the burgh for repairing the jail, maintaining the jailers, and alimenting civil debtors, are likewise extremely burdensome.

It would be highly expedient that some relief should be had in these matters, and there are various considerations in the situation of *this town,* which require that the county should bear a part of the burdens and responsibility. To what extent this may be looked for, and in what way it is to be accomplished must be left to the consideration of the committee.

Inverness is the only *royal burgh,* and contains the only jail within *the county*; although there are several villages of some consideration in which places of temporary confinement have *lately* been erected, but they were never intended for the custody either of criminals or debtors, but merely for locking up the *former* until they are conveyed to the county jail.

The burgh continued for a long period of time very ill accommodated with a jail. The increasing population of the county, and the many islands attached to it, and the rapid progress of many thriving villages, required at length a large and commodious place of confinement both for criminals and debtors. It is supposed that the burgh was always burdened with the expense of upholding the jail, paying the jailers, and maintaining civil debtors, and also burdened with the responsibility for such as escaped from confinement; and there seems to be little doubt that the jail in this place as in all others, was first erected at the expense of the burgh. It is true this expense was not borne altogether by the town; when it was found necessary in the year 1787 to erect in the centre of the town a large new building for this purpose, but on that occasion this was avoided, owing to the inadequacy of the funds. The burgh went as far as it could go; the extent of the obligation was not disputed, and the deficiency was made up by Government, along with the county of Inverness and the other northern counties; the whole expense exceeded 2,000*l.* sterling, and of this sum, the one-half was given by Government, from the awards of the annexed forfeited estates. By this money, a very substantial and commodious building was placed in the centre of the town, consisting of the apartments already mentioned.

Some time afterwards, an alarm having spread through the town, as to the insufficiency of the old steeple, it was found necessary on examination to pull it down, and erect another of great height, at a very heavy expense. The funds for the purpose were supplied from the revenues of the burgh, together with individual contributions.

This building has since that period been preserved in a state of good repair at the sole expense of the burgh, and it has been found quite ample and adequate to all the uses for which it was intended. This of itself comes very heavily on the funds of the town.

The four burgh officers perform in rotation the duties of jailer; they are all paid by the town, and one of them who is styled the head jailer has a trifling addition of salary.

For civil debtors, the jailers get a fee of 2*s.* 6*d.* at entry, which is regularly paid by the creditor. They are also entitled to receive from the prisoner 1*s.* 4*d.* the first night, and 4*d.* for every other night he remains in prison; but these dues are seldom paid, as they are only charged at liberating the debtor, and doubts have arisen how far they are entitled to hold him in custody till payment.

The whole expense attending debtors falls upon the burgh, except in so far as put on the incarcerating creditors by the Act of Grace. The aliment to criminals for trial at the circuit court is all that is paid by the county.

The jail records are kept by the town clerk, who receives a fee of 2*s.* 6*d.* at incarceration, and is entitled to 3*s.* 4*d.* at liberation; but this last like the jail dues are seldom or ever paid.

No charge is made for the incarceration or liberation of criminals, either by the town clerk or jailers, and a copy of the warrant is served upon the criminal within 24 hours in terms of law, the charge of which is paid by the town.

29. Inverness.

In this way the burgh is burdened with all the expenses of every kind, attending the court house and jail, excepting only the alimenting of criminals. It may be supposed that the jail is generally very well filled considering the extent of the county, and the several populous villages which are situated within it; of these, Fort William, Grantoun, Kingussy and Campbelltown are the most considerable; containing each between one and two thousand inhabitants.

The magistrates are aware of the necessity of having a good commodious jail in the head burgh of the county, and indeed much inconvenience arises from the want of jails in the more remote parts of the county, and the necessity of sending offenders and debtors so great a distance; but surely, though the obligation to uphold some jail or other within the burgh ought not to be taken away by keeping a common jail between the county and burgh, this last should not on that account be lost sight of. The Committee will therefore observe, that in the circumstances of the burgh, there will be no such difficulty as has occurred in the Fife jail burgh; viz. as to the removing of jails in other parts of the county. This county is placed precisely in the same situation with that of Edinburgh, having no burgh but the one, and of course free from any obligation to maintain any more than one jail.

On these grounds it is humbly thought, that there can be no doubt of the justice and expediency of having a common jail maintained between the burgh and county, and every expense of jailers, &c. attending it divided according to the same rule. In this manner the magistrates would be partly relieved of the heavy responsibility they lie under, for debtors escaping from confinement.

In the adjoining counties of Ross and Nairn, there being no secure jails, civil debtors and criminals are often incarcerated in the jail of Inverness, which is considered a heavy burden upon the burgh as to the accommodation and responsibility.

Inverness, 26 October 1816.

30.—JEDBURGH.

30. Jedburgh.

1.—THE jail in this burgh is not sufficient for the accommodation and secure custody the civil and criminal prisoners confined therein.

2.—The jail was built in the year 1755, at the expense of the burgh; has never been enlarged; and is unconnected with any other building.

3.—The accommodation is very bad, having only two rooms and a closet for criminals; one measuring 14 feet by 11, the other 14 by 12; the closet 7 by 8; and for the debtors, one room only, measuring 15 feet by 12 ½, which serves for male and female debtors. Many instances have occurred of late of both sex being confined at the same time! Besides these apartments, there are two damp cells on the ground floor totally unfit for use, which are divided by a gateway leading to the church and churchyard.

4.—The greatest number of prisoners confined at one time, for an average of twenty years, is $6\frac{5}{20}$; but there has been frequently at one time 8, 10, and 12; and actually, at present, here are 10 criminals and 4 debtors.

5.—The number is increasing for these last ten years (*vide* statement).

6.—The proportion of civil to criminal prisoners is as 203 to 531 (*vide* statement).

7.—The proportion of prisoners belonging to the burgh is as 93 to 734. It is to be observed, the number is much swelled on account of boys being committed by the magistrates, for a day or so, as a punishment for petty offences.

8.—The burgh has not sustained any loss by the escape of prisoners for debt, during the last twenty years.

9.—The jailer has a salary of sixteen pounds from the burgh, besides ordinary jail fees.

10.—The jailer finds caution to the amount of thirty pounds. The reason of the sum being so small is on account of the insecure state of the jail.

11.—The expenses upon the jail, at an average, amount to thirteen pounds six shillings; and from the building being in a great measure in a state of decay, the expenses have been and must continue to increase every year. It is to be observed, that this being a circuit burgh, the town is burdened with the expense of alimenting all the prisoners, after conviction, until they are removed for punishment, for the counties of Roxburgh, Berwick, Selkirk, and Peebles. The annual amount of this expense may be stated at least twenty-six pounds.

No 2.
ANSWERS
TO QUERIES.

30. Jedburgh.

12. — Abstract of Income and Expenditure of the Burgh of Jedburgh, from 1816 to 1817:—

	£.	s.	d.
Amount of rents of mills	464	10	0
- Do - customs	69	0	0
- Do - lands and feus	32	12	2
- Do - casual revenue	5	0	0
£.	571	2	2

	£.	s.	d.
Interests of money mortified and borrowed	212	13	4
Salaries and town's servants	104	0	6
Repairs on school, school-house, church, and manse	68	10	2
- Do - on prison	13	6	0
Stamps, stationary, postage, and advertisements	15	3	5
Taxes	2	2	0
Incidental expenses, in which are included aliment to prisoners	83	13	7
£.	499	9	0

The above revenue being from mills, there may be deducted at least 12 ½ per cent on account of repairs, &c.; besides this, the town has had considerable losses from insolvent tenants. The custom upon flour is also at this time in a state of litigation; and it is not quite established whether the town have a right to draw it. The amount of this is 40 *l.* per annum. Upon the whole, the town's revenue must be considered as falling off, while the expenses of the burgh, under the most rigid economy, cannot be lessened.

Abstract List of Prisoners committed to the Jail of the Burgh of Jedburgh, for Twenty Years preceding the 18th March 1818:—

	CRIMINALS.		DEBTORS.	
	Total No Committed.	Belonging to the Burgh.	Total No Committed.	Belonging to the Burgh.
From 18 March 1798 to 18 March 1799	21	2	15	6
- Ditto - 1799 to 1800	37	7	14	4
- Ditto - 1800 to 1801	24	—	10	2
- Ditto - 1801 to 1802	12	1	7	1
- Ditto - 1802 to 1803	26	4	10	1
- Ditto - 1803 to 1804	17	—	6	—
- Ditto - 1804 to 1805	9	5	6	1
- Ditto - 1805 to 1806	30	—	7	1
- Ditto - 1806 to 1807	16	—	4	—
- Ditto - 1807 to 1808	22	—	3	1
- Ditto - 1808 to 1809	36	7	7	4
- Ditto - 1809 to 1810	29	2	9	1
- Ditto - 1810 to 1811	23	—	10	4
- Ditto - 1811 to 1812	31	8	15	—
- Ditto - 1812 to 1813	49	—	8	—
- Ditto - 1813 to 1814	32	1	15	3
- Ditto - 1814 to 1815	25	2	10	3
- Ditto - 1815 to 1816	22	9	16	—
- Ditto - 1816 to 1817	39	6	17	2
- Ditto 1817 to 1818	31	4	14	1
	531	58	203	35
Number of Debtors	203	35	—	—
18 March 1818.	734	93	—	—

31.—KIRKCALDY.

31. Kirkcaldy.

1.—THE jail is not by any means sufficient for the proper accommodation of the civil and criminal prisoners confined therein; it underwent considerable repair in the year sixteen hundred and eighty-three, which was paid by the burgh corporation. There are often four or five persons in jail at the same time for debt, and these must either be confined together in one small room, or shut up in the cells adapted for the confinement of criminals. Debtors often choose rather to inhabit these cells, than to expose themselves to disease by being put up together in a small apartment about twelve and one-half feet long, by ten and one-half broad.

31. Kirkcaldy. 2.—It is not known when or at whose expense the jail was built, but it every year undergoes several repairs; it is connected with a town-hall, which is also occupied as a burgh court-house; a justice of peace court-house for the district of Kirkcaldy, (comprising fifteen parishes, and extending about twenty miles long, and twelve to fifteen broad) and as a room for the meetings of the county gentlemen under the turnpike and statute labour acts, &c. &c. The expense of repairing and upholding both the jail and town-hall, is defrayed by the burgh corporation.

3.—There are only four apartments for prisoners, one of which having a wooden floor and glazed windows, is generally allotted to debtors; the other three cells for criminals.

4.—The number of prisoners, civil and criminal, usually confined at one time, may average six.

5.—Of late years the number of prisoners has considerably increased, and there are now sometimes ten confined at one time.

6.—There may be about five persons confined for debt, to one for crimes; but for the last twelve months, the number confined for crimes has been much more than in that proportion.

7.—There are about ten prisoners confined whose residences are without the burgh, for one residing within it.

8.—No account has been kept of the sums paid by the burgh, in consequence of the escape of debtors, but numerous escapes have been made; and it has been entirely owing to the leniency of incarcerators, or to the ultimate recovery of the debts from the persons so escaping, that the burgh has not been subjected in the payment of very heavy sums.

9.—The jailer receives from the town an annual salary of eighteen pounds and two-pence halfpenny per diem for each debtor confined in jail, which together, may average about twenty-four pounds per annum.

10.—No person can be found to act as jailer capable of finding caution, on account of the small salary attached to the office.

11.—The average annual expense of upholding and repairing the jail, is about forty pounds sterling; and from the age of the building, the expense is very much on the increase.

12.—The annual income of the burgh averages about five hundred pounds sterling; this arises partly from a duty of two pennies per pint on ale and beer brought into the burgh, and other petty customs; but principally from the shore dues, and anchorage (which have fallen off much of late years) leviable from vessels coming into the harbour, and goods delivered from them; but the shore dues and anchorage are not nearly sufficient to pay the expense of repairing the harbour (which averages about 200 *l.* or 250 *l.* sterling annually,) and of course the free income of the burgh is very small. The above average for repairing the harbour, is struck upon a calculation of years when the winters are moderate; on other occasions the expense is much greater. In 1795, 260 *l.* 19 *s.* 4 *d.* was expended on these repairs; in 1805, 685 *l.* 3 *s.* 9 *d.*; and in 1811, 324 *l.* 4 *s.* 1 *d.* was expended.

5th May 1818. *John Ford*, Provost.

32.—KIRKCUDBRIGHT.

32. Kirkcudbright. 1.—THE jail of this burgh is amply sufficient for the comfortable accommodation and secure custody of the civil and criminal prisoners confined therein.

2.—The present jail was built by the magistrates and council, and finished in February 1817, and has been used for both civil and criminal prisoners since July last, under the sanction of the court of session and court of justiciary. The cost of the building was nearly 5,000 *l.* of which 3,500 *l.* was paid voluntarily by the commissioners of supply for the stewartry, and the balance out of the burgh funds: no part of this cost was applied to any other building.

3.—The prisoners have day-rooms for walking and exercise, with bed-rooms adjoining, and a water-closet connected with every day-room; there is also a large and well-aired sick room, which there never has been occasion to use; the debtors day-rooms and bed-rooms have all fire-places, and are also warmed by heated air, from a stove on the ground story; the day-rooms for criminals have fire-places, and are also heated by the same stove; there is likewise a hot and cold bath, and a yard for the prisoners. Upon the whole, the jail is admitted to be one of the most sufficient as to construction, as well as healthful and commodious for prisoners, that is to be found in the south of Scotland.

32. Kirkcudbright.

4.—The number of prisoners, civil and criminal, usually confined at same time, taking the average of the last twenty years, at first April current, is about 10; and the average of commitments for same period, in the course of a year, is 54.

5.—The numbers are increasing, and more than doubled in the course of the last three years.

6.—The proportion is 32 civil to 74 criminal.

7.—The proportion of prisoners belonging to the population of the burgh, is 18 belonging to it, to 89 not belonging to it.

8.—The burgh has sustained loss by the escape of prisoners for debt, during the last 20 years, to the amount of 918 *l.* 16 *s.* 2 *d.*; and they are still threatened to be prosecuted for nearly 200 *l.* more on that account. The escape was entirely owing to the insufficiency of the jail, and the magistrates having refused to pay the debts, were sued by the creditor's incarcerators before the court of session, who found the burgh liable; and the cause being appealed, the sentence was affirmed by the House of Lords: 200 *l.* was allowed the burgh by the general convention of royal burghs to prosecute the appeal.

9.—The jailer is paid by the burgh 15 *l.* per annum of salary, and has right to fourpence per day from every debtor while confined in jail; his income cannot exceed 20 *l.* per annum.

10.—The jailer finds caution for the faithful performance of his office, and to pay whatever loss the burgh may sustain through his negligence, under the penalty of 300 merks Scots, or 16 *l.* 13 *s.* 4 *d.* sterling, beside performance.

11.—The annual average amount of repairs for the last 20 years, is about five pounds, and was increasing before the new jail was built.

12.—The revenue or annual income of the burgh at present, is from 1,000 *l.* to 1,100 *l.* and arises from rents of lands, fishings, and houses; but has fallen off of late years, on account of the reduction in rents.

Rob. Gordon, Provost.

30th April 1818.

33.—KILRENNY.

33. Kilrenny.

1.—IT is not.

2.—The jail and court-house are under the same roof; the jail is very insufficient, and there is no place of confinement for civil debtors. The house appears to have been built in 1624, and it is unknown at whose expense.

3.—Very bad accommodation.

4.—Few or none, there being no accommodation.

5.—The last answer applies to this.

6.—See above.

7.—Ditto.

8.—No escapes.

9.—20 *l.* a year, including his salary as town officer.

10.—No.

11.—15 *l.* a year.

12.—About 5 *l.* a year.

34.—LANARK.

34. Lanark.

1.—THE burgh jail of Lanark has hitherto been sufficient for the accommodation of the civil and criminal prisoners confined in it, at least all the prisoners who have been brought under diligence in order to be committed to prison, have been received into it; but at times, the jail has been over crowded, and the accommodation afforded to the prisoners has been thereby rendered very uncomfortable. The jail has been examined of late by the sheriff of the county, who ordered certain repairs, so as to render it secure, to be executed at the sight of respectable tradesmen, which was done accordingly, and it was thereafter declared sufficient; yet still it is to be doubted that it is not altogether secure.

2.—The jail was altogether built at the expense of the burgh, part of it being a very old building, and the other part of it was built twenty-four years ago. The jail, although

joined

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TO QUERIES.

34. Lanark.

joined to the county hall (which was also erected at the expense of the burgh,) is altogether unconnected with it, and would cost the burgh an expense of three hundred pounds sterling.

3.—The jail, often for the reason stated in the answer to query first, is a most uncomfortable dwelling to those having the misfortune to be its inmates; and at no time does it afford that accommodation to a certain class of unfortunate debtors who are committed to it, which from their former circumstances in life they deserve.

4.—Taking the average of the last 20 years, the prisoners confined at the same time will be about three.

5.—The number is greatly increased of late years, and it may be justly said, that they have been doubled within the last ten years.

6.—The prisoners committed to the jail for crimes, may be one in ten.

7.—The prisoners committed, whose residence is within the jurisdiction of the burgh, bear a small proportion to those committed, who reside without it; and this proportion may be one in twelve.

8.—The burgh has not within the last twenty years paid any sum on account of the escape of prisoners for debt, other than the expense of advertising, and the expense of parties sent in search of some prisoners who have escaped of late years, and the expense of some law suits that have taken place in consequence. These law suits were brought, in order to subject the magistrates in payment of some debts due by two different prisoners who escaped; but these are still undecided, and of consequence it is unknown whether the burgh will or will not be subjected in payment of these debts. It has not yet been ascertained whether the escape of these prisoners is to be attributed to the insufficiency of the jail, or carelessness of the jailer.

9.—The jailer is partly paid by the burgh and partly by the prisoners; he receives a yearly salary of 11 *l.* from the burgh, and this, with the sums he receives from the persons confined for debt, may amount to 17 *l.* sterling.

10.—The jailer of late years has not found caution.

11.—The average annual expense of upholding the jail, exclusive of the jailer's salary, will be 20 *l.* sterling. These expenses have increased very considerably of late years.

12.—The income of the burgh arises principally from the feu duty and rents of land belonging in property to the burgh. In consequence of the rise in the value of land, the rent of that part of the land belonging to the burgh, which was out of tack, and again let about ten years ago, considerably increased, consequently the income has been increased of late; but from the fall in the rent of land, it is to be apprehended, that in the course of a few years, the income will very much decrease; indeed, at the present moment, the income of the burgh cannot be counted upon, as some of the tenants seem unable to pay their rents; and considerable losses have already been experienced on this head.

	£. s. d.	£. s. d.
Taking the present rental of the burgh, the in-coming will amount to - - - - - - - -	- - -	635 — —
Very considerable improvements have been done of late to the streets; water has been brought into the town in lead pipes, the streets have been lighted, new farm steadings erected, schoolmasters houses repaired, a new flour, corn, and barley mill erected, the old one having been destroyed by fire, and all at the expense of the burgh; in consequence of which, the debt has been considerably increased of late years, and will now amount to 3,250 *l.* the interest of which is - - - - - - - -	162 10 —	
The present yearly fixed sums, payable by the burgh, for ministers stipend, schoolmasters salary, clerks and treasurers salary, and other officers, will amount to nearly -	240 — —	
		402 10 —
	£.	232 10 —

Leaving a balance of about 230 *l.* sterling (although the whole of the rental is recovered) in order to answer the expenditure of the burgh; and from this sum there will also fall to be deducted, about 100 *l.* which will be about the yearly average sum paid by the burgh in lighting the streets, and keeping them in repair.

The above answers to the queries transmitted to the magistrates of the burgh of Lanark by the Committee of the House of Commons, to whom the petition of the royal burghs of Scotland respecting the burgh jails, has been referred, are, in so far as the subscribers, the magistrates, and town clerk of the said burgh can judge, correct.

22d April 1818.

Robert Hutchison, P.
John Annan, B.
James Sommervill, B.
Tho *Paul*, Town Clerk.

35.—LAUDER.

Nº 2.
ANSWERS
TO QUERIES.

35. Lauder.

1.—THERE is very little accommodation in the jail of the burgh of Lauder, there being only one room for debtors, and one for criminals, both of which are sufficiently secure.

2.—It is not known when it was built, or at whose expense; but it is supposed to have been built by the burgh, and repaired from time to time by the burgh funds, and in 1811, it cost the burgh 52 *l.* 4 *s.* 2 *d.*

3.—For debtors, one room only of ten feet square, one of the same size for criminals, and a small dark cell.

4.—There have been three, but more frequently only one at the same time.

5.—The numbers have considerably increased of late years.

6.—The criminal prisoners bear a proportion as two to one, and have occasioned much more expense to the burgh.

7.—One to twenty.

8.—The burgh has sustained no loss within the last twenty years.

9.—The jailer receives a salary of 8 *l.* per annum from the common gude of the burgh.

10.—The jailer finds no caution.

11.—An average of 3 *l.* 10 *s.* 9 *d.* for the last twenty years, but taking the last ten years it would double that sum.

12.—The total income is 180 *l.* 4 *s.* 1 *d.* arising from land, mill, customs, and street fulzie, but this revenue is on the decline.

There is a large commonty which is claimed by the present magistrates and town council as common gude, and is also claimed by some of the burgesses as their private property, and is at present the subject of a litigation before the Court of Session.

The debts of the burgh amount to 2,354 *l.* 13 *s.* 7½ *d.*

The interest of which is - - - - - - -	£. 117	14	0
Repairing the streets, and keeping up the mill and mill-houses	30	0	0
	£. 147	14	0
Which leaves only - - - - - - - - -	32	10	0
	£. 180	4	0

36.—LINLITHGOW.

36. Linlithgow.

1.—THE jails in this burgh are sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein; yet escapes are occasionally effected, especially by criminals, and when this happens, it is generally in consequence of assistance from without. This however is not more frequent than occurs in other burghs, and perhaps not so often.

2.—The jails were built about 1660, at the sole expense of the burgh. They are immediately under and connected with the town-hall, in which the different courts of law are held, as well as other public meetings of the burgh and county. The expense properly belonging to the jails cannot be distinguished from that of the rest of the building.

3.—There is one apartment for debtors, and four for criminals. The accommodation is as good as other jails generally afford.

4.—The number of prisoners, civil and criminal, usually confined at the same time, taking an average of the last 20 years, is from 4 to 6.

5.—The number of both descriptions has increased much of late, particularly the last two years.

6.—The proportion of civil to criminal, is about two to one.

7.—The proportion of the prisoners belonging to the population within, is very trifling to that without, the jurisdiction of the burgh.

8.—The burgh has not sustained any loss by the escape of prisoners for debt, during the last 20 years.

9.—The jailers are paid partly by salaries from the community of the burgh, and partly by fees paid by prisoners for debt. The whole emolument is about 25 *l.* each.

10.—The jailers do not find caution.

36. Linlithgow.

11.—The annual average amount of repairs, and other incidental expenses attending the jails, paid by the burgh, exclusive of the jailers salaries, taking an average of the last 20 years, may be 10 *l.* The expenses are increasing.

12.—The annual income of the burgh amounts to about 500 *l.* It arises from imposts, and the rent of mills and land, and is rather increasing. But it has of late years not been adequate to the expenditure for necessary public purposes.

> *Note.*—From the east part of the county of Stirling being within a mile of this burgh, and about 19 from the county town of Stirling, many prisoners are sent from thence to the jails here, which is a great grievance.

2 May 1818.

37.—MONTROSE.

37. Montrose.

1.—IT is not.

2.—It is believed that the jail of this burgh was erected in the reign of Robert II, on a piece of ground granted by charter from that prince for the purpose. It was built and has been maintained at the expense of the community, and it is not connected with the court-house or town hall.

3.—The accommodation afforded to the prisoner, is very limited and unwholesome. The building consists of two stories. On the ground floor there is only one apartment, 23 feet by 13 feet, where criminals are usually placed. It has an earthen floor, two grated windows without frames, and is damp and unhealthy in the extreme. The upper floor comprises two apartments, one 13 feet square, and the other 23 feet by 13 feet. These apartments are both ill aired, and, in the opinion of all the medical gentlemen in the town, are unfit for the reception of civil debtors. The largest is immediately above the criminal prison; and the apartments below the other cell, are occupied by the town's fire engine, and as a coal cellar.

4.—During the last 20 years there have been imprisoned for civil debt from the burgh, 116 persons; from other parts of the county of Forfar 44 persons; and from the county of Kincardine, which approaches within three miles of the town, and does not possess a fit civil prison within it, 62 persons. It is impossible to state the number of prisoners at any one time, but the accommodation has often been found inadequate. No accurate register has been kept of the criminals confined in the jail.

5.—The number of prisoners is rather on the increase.

6.—The proportion cannot be exactly ascertained.

7.—Not more than one half.

8. During the last 20 years the burgh has sustained a loss of about 20 *l.* by the escape of a prisoner for debt from the county of Kincardine; and during the same period, the criminal prisoners have twice escaped, by breaking through the wall, and tearing up the floor.

9.—The town of Montrose has no settled jailer, the town serjeants or officers officiating in rotation, who are paid by the ordinary charge of 3 *d.* per night from each civil prisoner.

10.—The jailer finds no caution, *qua* jailer.

11.—The annual amount of repairs and other incidental expenses attending the jail paid by the burgh, taken on the average of the last 20 years, may be about 20 *l.*; and as the building is in a state of dilapidation, it must soon be completely repaired, or altogether rebuilt.

12.—The annual income of Montrose, which is derived from lands, shore dues, and petty customs, amounts to about 1,700 *l.* but which for several years back has been more than swallowed up by the expenditure; thus creating an increase of debt, and a consequent diminution of the net revenue; and the shore dues (760 *l.* per annum) for years to come, will be required for the repairs of the harbour and quays, which last are at present in a most ruinous condition.

3 April 1818. *Jas Leighton,* Town Clerk.

38.—PEEBLES.

38. Peebles.

1.—THE jail is perfectly sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein.

2.—The jail was built in the year 1798, at the sole expense of the burgh, and is kept in repair from the burgh funds; the building is separate and unconnected with any other but the jailer and another burgh officer's houses, which are on the under flat, and the prisons above, all fire proof.

3.—The

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ANSWERS
TO QUERIES.

38. Peebles.

3.—The accommodation for the prisoners consists of three apartments on the upper flat; and the jailer and officers houses on the under flat are so constructed, that they may be easily converted into jails; but this has never been found necessary.

4.—Till the year 1809, that the present jailer got the charge, no regular list of prisoners was kept, and since that time it appears there have been one hundred and twenty prisoners committed for crimes of different kinds, by the sheriff and justices of peace of the county; and by the magistrates of the burgh thirty, and for civil debts seven; in all one hundred and fifty-seven.

5.—The number of prisoners, at an average, since the commencement of this account, appear to be nearly the same.

6.—The proportion alluded to in this query appears from the answer N° 4.

7.—The number of prisoners belonging to the population of the burgh confined for crimes, are eighteen, besides three of the population for civil debt.

8.—The burgh has sustained no loss by the escape of prisoners for debt, as none has escaped.

9.— The jailer is one of the burgh officers, and receives from the burgh funds a salary of ten pounds yearly, and a free house, and it is understood that he has drawn no income from prisoners for debt, as none of them have been able to pay any thing; but the fees chargeable are at the rate of four-pence a night, and fall to be recovered from the debtor.

10.—The jailer has never been required to find caution.

11.—The prisons having been most substantially erected, have hitherto required little repair, and the average expense is about twenty shillings yearly for repairs; and the other incidental expenses attending the jail, such as maintaining criminals, bedding, &c. amount also to twenty shillings yearly.

12.—The present annual revenue of the burgh is about 740*l.* yearly; but the revenue is fluctuating, a great part of it being let annually, the rent of course increases and diminishes with the times; the source of the revenue is from landed property, consisting of a considerable farm, detached acres about the burgh, the mills, the duty payable for carts passing the town and bridges, &c.; and at an average the revenue has continued much the same for many years past.

12 March 1818.

Jas Ker, Provost.

39.—PERTH.

39. Perth.

THE jail in this burgh is sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein.

The old jail of this burgh having become insecure and incommodious, many communings upon the subject of erecting a new jail took place betwixt committees of the county, and of the town council, respecting the erecting of a new jail, containing more extensive and better accommodation; and after considerable discussion, the plan of the new jail was agreed upon, which it was supposed might be erected and completed for 6,000*l.*

Under this idea an agreement was entered into betwixt the county and the town, whereby the town agreed to advance 4,000*l.* of the sum, and the county the remaining 2,000*l.*, the parties in these proportions bearing the expense of the establishment, and future support of the jail when erected.

In consequence of this agreement application was made to parliament, and an Act procured for erecting a new jail, limiting the expense of 6,000*l.* to be defrayed in the proportions above-mentioned.

But when the bill came to be acted upon, and estimates of the expense were obtained, it was found that the sum was inadequate to the object, and therefore a second agreement was entered into betwixt the county and the burgh for erecting the jail, to the extent of 10,000*l.* sterling, conditioning that the first 6,000*l.* should be contributed in the proportions already mentioned of 4,000*l.* by the burgh, and 2,000*l.* by the county, and that the additional sum should be defrayed in equal moieties by the county and burgh; and a second Act of Parliament having been obtained in consequence of this agreement, the jail has been completed, and is now occupied, at an expense of not less than 10,000*l.*, 6,000*l.* whereof has fallen upon the burgh, and 4,000*l.* upon the county.

Besides a jailer's house and some other accommodations of a room intended as a guard-house, and a small room for the turnkey, the jail consists of two separate buildings distinct from each other, with a court-yard attached to each; one of these buildings being appropriated for the confinement of criminals, and the other for debtors and persons committed for fines awarded as a punishment for offences against the Excise laws.

In the criminal side of the prison there are two parts separated from each other, one for the males, and the other for the females. That appropriated for the male criminals contains ten cells, besides a day-room. That for the female criminals four rooms, capable of accommodating

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TO QUERIES.

commodating four persons in each room; and the criminals cells can each contain two prisoners, with perfect ease.

The debtors side of the jail consists of five rooms, each of which is capable of containing six prisoners; and that part of the same building set apart for persons confined by the Excise, contains four rooms, each of which is capable of containing four prisoners.

There are besides five lock-up cells capable of containing two prisoners each.

39. Perth. There are county buildings, consisting of a sheriff's court-house, justiciary hall, &c. adjoining to the jail, but the jail is not connected with these buildings; the expense whereof was defrayed by the county in a different manner, and under a separate law.

The number of prisoners civil and criminal usually confined at the same time prior to the occupation of the new jail, which took place two years ago, for the eighteen preceding years, may be stated at from 25 to 30. Since the occupation of the new jail there was 57 prisoners, 32 whereof were criminals, but this is the greatest number that has been known. There have never been fewer in the new jail than 30, at present there are 40, 21 criminals, and 19 debtors, including in this last number those confined by the Excise, for non-payment of fines awarded for offences against the Excise laws.

The prisoners for the last twelve months have rather been upon the decrease, but this has taken place principally in the number of civil prisoners, the criminals remaining much about the same.

The criminal prisoners are generally about one-third more than those confined for civil causes.

The prisoners belonging to the population within the jurisdiction of the burgh, bear the proportion to the whole prisoners confined in jail, of two to the burgh for three to the county.

The burgh has not sustained any loss by the escape of prisoners for debt, during the last twenty years.

Prior to the erection of the new jail the jailer was paid wholly from the funds of the burgh. The Acts of Parliament under which the new jail was erected, provide that the expenses necessary for keeping the same in repair and maintaining the same, and keeping up the necessary establishment and other charges thereof, shall be defrayed in the proportions of two-thirds by the burgh and one-third by the county; and in this manner the jailer is now paid; his salary is 100 *l.* sterling, yearly; and a turnkey for assisting the jailer has a salary of 25 *l.* sterling besides.

The jailer finds security in general for the due and faithful performance of his office, without any limitation as to the amount.

The present jail being, as already stated, newly erected, has not hitherto required any repairs; but prior to the erection of the new jail two years ago, taking an average of the eighteen preceding years, the amount of repairs and other incidental expenses attending the jail paid by the burgh, exclusive of jailer's salary, would be about 50 *l.* sterling.

The annual income of the burgh for the last year was 6,020 *l.* 15 *s.* 1$\frac{8}{12}$ *d.* sterling, arising from customs payable at the export and import of commodities to and from the burgh, from rents of lands and fishings, and from feu duties payable for lands held of the burgh.

But this revenue, large as it may appear, has for many years been found inadequate to defray the necessary and unavoidable expenses of the burgh, arising from the payment of the interest of debts, ministers stipends, schoolmasters salaries, and the support of the other establishment of the burgh in defraying the expense of public works: so much was this the case, that about seven years ago the magistrates were under the necessity of applying to parliament for an assessment upon the inhabitants for paving and lighting the streets of the city, at which time the expenditure exceeded the revenue by nearly 1,500 *l.* annually.

Since, then, by the most rigid economy, and by the suppression of all public undertakings, the magistrates have been enabled within the last year to bring the expenditure about nearly equal to the revenue; still, however, they are greatly incommoded for want of funds. The assessment upon the inhabitants for paving and lighting the streets (being at the rate of five per cent. upon the real rents,) bears extremely hard upon all classes of the inhabitants, but particularly upon the lower orders; and the magistrates are straining every nerve to accomplish the abrogation of this tax, but have yet never been able to reduce it to any extent, though they trust they will soon have it in their power to make some impression upon it: they consider this as a debt upon the funds of the community, of which they are bound to relieve the inhabitants whenever that is practicable; and viewing the matter in this light, while there is an apparent equality betwixt the revenue and expenditure of the burgh, there is in truth a considerable deficiency, inasmuch as the assessment upon the inhabitants for paving and lighting is unprovided for

Besides, there are many highly useful and some almost absolutely necessary works, for which there has long been a call upon the magistrates, but which, however much disposed, they have found themselves compelled, from the state of the funds, to decline entering into. Such, among others, is the supply of good water for the burgh, an article of the first necessity, but in which this burgh is eminently deficient. A projected improvement upon the harbour, by means of a cut or canal from the river about a mile below the town, and a dock or bason connected therewith.

There is also another object which the magistrates have long considered as of great national importance, and that is the providing for the inhabitants proper accommodation in churches belonging to the establishment. In this matter the burgh have already done much, more indeed than was perhaps prudent, but they conceived the object as of the last importance; with no other assistance than 300 bolls, two-thirds meal and one-third bear, being the valued lands of the parish, they support four churches, and pay stipends to four ministers

39. Perth.

ministers on the establishment. One of these churches was erected by the community not many years ago, at an expense of from 6,000*l.* to 7,000*l.*

Still, however, there is not accommodation for those of the inhabitants who have a desire to attend, and be in communion with the national church. Many applications for seats to a large extent are daily made, which the magistrates have it not in their power to comply with; and many more are ready to withdraw from the dissenters, if accommodation in the established churches could be afforded them. Much as the burgh has already done in the matter of the churches, all those interested in the management of its concerns feel this to be a subject of so paramount importance, that they would not hesitate if it were by any means within the compass of their power, to erect an additional church. But unfortunately the means of doing so are not within their reach, and they mean immediately to submit to Government a representation upon this subject. It is only mentioned here as a matter of vital importance to the welfare of the burgh, in hopes that if it falls within the province of the committee to whom this communication is addressed, that they will afford the benefit of their powerful recommendation upon the matter, than which there can be no object more important, not to this burgh only, but to the public in general.

The agreement with the county regarding the erection of a new jail, was made at a time when it was held out that the whole expense of such erections fell by law upon the royal burghs without any claim upon the counties, and under the impression that the law really stood so. Subsequently, different and more liberal ideas seemed to be entertained regarding this matter, and the magistrates conceive that in place of their paying two-thirds of the expense of the erection and support of the jail, the county ought in justice to have paid by far the greater part of that expense. Whether there be any chance of their obtaining relief from this unequal bargain, is a matter which they would humbly recommend to the serious consideration of the honourable Committee, as well as the very great hardship of entailing upon the burgh the whole responsibility regarding the custody of the prisoners, and subjecting them to pecuniary loss, in case of escape, while no fault can be imputable to them.

Upon the subject of the jail, it should have been mentioned that the manner in which the aliment of the prisoners has hitherto been demanded from the magistrates, is extremely burdensome, and seems not at all reasonable. It is customary for prisoners committed for crimes within the county, but without the royalty of the burgh, to be alimented from a county fund known by the name of the Rogue Money; but no sooner has any such prisoner undergone a trial, and been convicted by a sentence, than the aliment from the county fund from that moment ceases, and the burgh funds are from thenceforward subjected to the aliments. The reason or propriety of this change has never been explained; but still, as the county after sentence withdraw their allowance, the prisoner must either starve, or be supported from the funds of the burgh.

Another class of prisoners are placed in the most awkward situation with regard to this matter of aliment; viz. those committed for offences against the Excise laws. These not being prisoners for civil debt, in the sense of the Scotch Act of Parliament 1696, chap. 32, commonly called the Act of Grace, are not entitled to the benefit of that Act, and the Excise deny their liability to aliment the prisoners, unless they think proper, while the county fund of the rogue money is totally withheld from these prisoners. In this situation these prisoners are left altogether destitute, and cases of the most extreme hardship do frequently occur, where the Excise decline giving the aliment. It is thought that there is some misapprehension of the law upon this subject, as every prisoner who does not come under the description of persons entitled to the benefit of the Act of Grace, ought to be entitled in this matter at least to be considered as criminals, to the effect of entitling them to the benefit of the present allowance out of the rogue money. This is the case with all other prisoners, and unless those committed by the Excise are to be viewed in the same light, they are placed in a situation of peculiar hardship beyond all other prisoners, even those for the most atrocious crimes, who have provision made for them as mentioned above, while those committed by the Excise have no manner of provision whatever.

There is yet another matter connected with this department of the prison, which bears extremely hard upon the community of the burgh, and entails upon them considerable expense, and that is, the putting into execution sentences of death pronounced by the court of Justiciary, which seems to be a matter connected with the public administration of justice, which should be borne by the public in place of being laid upon the burgh.

It is hoped these matters will receive the deliberate consideration of the honourable Committee, and that such relief will be extended to the burghs as their situation seems to require.

Signed in name and by appointment of the magistrates of Perth, at Perth,
this ninth day of May eighteen hundred and eighteen.

Laur. Robertson, Provost.

40.—PITTENWEEM.

40. Pittenweem.

1, 2, 3.—THE jail of Pittenweem is not sufficient either for the accommodation or secure custody of civil, far less of criminal prisoners; it was built between two and three hundred years ago, and purchased by the town, from the Prior of Pittenweem, fifty or sixty years after the town was erected into a royal burgh. The prison is a small apartment or single

single room, joining to the town house, which with the town house itself, have been several times repaired within these forty years, at an expense from the town of upwards of one hundred pounds. The forewall and gable of the building are both rent, much off the plum, and must be taken down immediately and rebuilt, at an expense of upwards of one hundred and fifty pounds.

40. Pittenweem. 4, 5, 6.—No criminal prisoners have been confined in Pittenweem jail for these twenty years past, being insecure for their detention; and the prisoners for debt, have not on an average for that time exceeded one or two yearly, and some of them confined only for a few days, weeks, or months at most.

7, 8, 9, 10.—The proportion of civil prisoners belonging to the population within the burgh cannot be ascertained, as some of the prisoners were from the burgh, and others from the country, or the vicinity of the town; neither has the burgh sustained any loss from the escape of prisoners for debt, within these twenty years past; and the town officer who acts as jailer, receives 4*d.* per day from the debtors confined, for his attendance, but has never been required to find caution, as there is no salary allowed him as jailer; but if found remiss in his duty as jailer, would not only be dismissed from that office, but from his duty as town officer.

11, 12.—The average amount of repairs and other incidental expenses, extending to jail and town-house together, for the last twenty years, may amount to between seven and eight pounds yearly. And lastly, the annual income of the burgh of Pittenweem, consisting of rent of their mills, acres of land belonging to the town, customs, anchorages and shore dues thereof, and also small feus belonging to the town; these altogether do not exceed three hundred pounds, from which are to be deducted interest of fifteen hundred pounds borrowed money, at 5 per cent.; feus payable to Sir John C. Anstruther, superior of the mills, &c.; stipend to the minister of Pittenweem; one-third part expense of upholding the church, manse, school, school-house, and church-yard dikes; upholding the pier, sea dikes; also upholding the town-house and jail, payment of the treasurer, town clerk, and town officers salaries, which when all added together, and deducted from the town's annual income, leaves a very small balance yearly in favour of the town, which is mostly expended at Michaelmas annual election, and celebrating His Majesty's birth-day.

16th April 1818.

John Tod, C. M.
John Grahame, Town Clerk.

41.—ROTHESAY.

From the Burgh of Rothesay, county town, and only Royal Burgh in the Shire of Bute.

41. Rothesay. 1.—WE would not be well founded in asserting that the jail of the burgh is sufficient for the accommodation and secure custody of civil and criminal prisoners occasionally committed thereto.

2.—There is no record extant so far as we know, whence it can be learned when or at whose expense the more ancient part was built. An enlargement was made about forty years ago, not from funds belonging to the burgh, for it had none to afford, but by money obtained through the medium of friends, and a contribution from the county. In course of last year, a considerable expense was incurred in strengthening and improving the prison rooms, to which the Marquis of Bute, a principal heritor in the shire contributed a part of his own accord, from a conviction of the deficiency of funds appertaining to the burgh, and on a consideration that the jail business is a matter wherein the shire is materially interested. The prison apartments occupy the ground story under the court-house and town-hall. About three-fourths of the expense disbursed last year on the whole fabric was applied to the jail; the other fourth was laid out in improving the apartment wherein the county courts as well as those of the burgh are held.

3.—The paucity and nature of the accommodation afforded for prisoners, will best appear from the following statement. The jail part consists of only two rooms and two cells; one of the rooms is seventeen feet long by eleven in breadth; the other seventeen feet by twelve; the height from the floor to the ceiling, eight feet two inches. Of the cells, one is sixteen feet and an inch in length, by eight and a half in breadth; the other is the same length, and nine feet broad. Both are vaulted and plastered, and are in height from the floor to the upper part of the arch six feet ten inches. All the apartments are floored with blocks of freestone, droved on the upper part, closely jointed and well laid. They have adequate chimneys and vents, and glazed windows which can be opened or shut by the prisoner at pleasure, for the admission of air or other purposes. The windows in the cells are three feet square, and those in the other rooms four feet three inches, by three feet one and a half inch. Every one of the rooms or cells is provided with a bed, a table, and some seats.

4.—In answering this question, we have to observe, that at times there are not any prisoners; at others, there may be from one to half a dozen; but we cannot reduce them to any satisfactory average.

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TO QUERIES.

41. Rothesay

5.—The number has increased of late years, and there is a prospect of its soon suffering a great increase, perhaps to the number of half a score at a time, in consequence of a recent order of the Board of Excise, to commit to prison such delinquents as cannot pay fines awarded or to be awarded against them for transgressions against the Excise law, which unhappily do too frequently occur in a remote part of the county.

6.—The civil prisoners may be considered as three-fourths of the number; the criminal ones a fourth part.

7.—About one-third of the prisoners usually belong to the population within the jurisdiction of the borough. A few not connected with the county, are occasionally offered, and must be received; of these last, some have been for large debts which imposed upon the magistrates a heavy responsibility in the event of an escape.

8.—This burgh has not sustained any loss by the escape of prisoners for debt, in course of the last twenty years, which in a great measure was obviated by the vigilance of the baillies, and their often calling out the inhabitants to keep watch and ward.

9.—The jailer is paid a salary of fifteen pounds per annum, by the borough. His emoluments from jail fees may bring him about five pounds more, in all 20*l.*

10.—He does not find caution. The benefit arising from the situation is so small, that a good deal of difficulty was experienced lately in procuring a proper person to accept of it, even without asking caution from him.

11.—Including the large expense incurred last year on the jails, the annual amount of repairs, and other incidental expenses attending them paid by the burgh, exclusive of jailer's salary, are about twenty pounds.

12.—The annual income of the burgh is variable, but having been somewhat improven of late, may be stated thus.

	£.	*s.*	*d.*
Land rent - - - - - - - - - - - - -	50	—	—
Customs and anchorage - - - - - - - - - -	79	—	—
Common mails and feu duties - - - - - - - -	19	—	—
Poundage from heritors towards defraying minister's tythe, schoolmasters, town officers, jailer's and clock-keepers salaries, and missive and eque dues, which amount in all to *£*.45. 15. 5. - - -	20	—	—
	168	—	—
Deduct the just now mentioned sum paid to public functionaries, and the missive and eque - - - - - - - - - - -	45	15	5
Remains for the numerous other public purposes of the burgh, and which is wholly and faithfully applied thereto in the most economical manner - - - - - - - - - - - -	122	4	7

The greatest part of this balance, as it arises chiefly from the harbour, is annually laid out for preserving, and in some degree improving it, yet upon the whole, some thousand pounds would be requisite to give it that degree of repair and improvement which has become absolutely necessary. The burgh has been in use to pay in course of the year, every contraction made on behalf of the corporation, and is not owing any debt.

John Blain, chief resident Magistrate.

Answers by the Magistrates and Council of the Burgh of Rothesay, in Council assembled.

1.—THE prison for criminals is sufficient; and the apartments for debtors will be sufficient, when the repairs in progress, under the charge of one of the members of council are completed, which will be done in about two months hence.

2.—We do not know when, or by whom the jail was originally built; and the present thorough repair had its commencement in the year 1816. The repair is to be completed at the charge of the Marquis of Bute and the burgh. The jail, court-house, and clerk's chamber are connected with each other.

3.—It is already given in answer, that the jail affords sufficient accommodation when the repairs in progress are completed.

4.—Seldom more than two or three persons are confined in the prison of Rothesay, and for the greater part of the year there are not any prisoners therein.

5.—The number of prisoners is not increased of late years.

6.—The proportion is about three to four.

7.—May be called one-third.

8.—No such loss has been sustained by the burgh.

41. Rothesay.

9.—The burgh pays a salary of 15 *l.* per annum to the jailer, and in addition thereto he receives his fees, making about 5 *l.*

10.—The jailer does not find any such caution.

11.—The annual average amount of repairs and other incidental expense attending the jail, disbursed by the burgh, exclusive of the present thorough repair and of the jailer's salary, taking the average suggested of twenty years, is about 20 *l.*

12.—The annual income of the burgh arises from land rent, custom and anchorage, common mail and feu duties, and is of late rather increasing; its annual gross income is about 170 *l.* and there remains of net income, applicable to general purposes, about 120 *l.* The burgh is not chargeable with any debt. Extracted from the council record upon this and the immediate preceding page, by me

Alex. Irvine, Town Clerk.

5 May 1818.

42.—ST. ANDREWS.

42. St. Andrews.

1.—THE jail is not sufficient for the accommodation and secure custody of those prisoners who are occasionally confined therein, but at present there are no prisoners in it.

2.—We do not know positively when or at whose expense the jail was built, but suppose it was done at the expense of the town 300 or 400 years ago. It has undergone no alteration, except trifling repairs, for time immemorial, and is connected with a town-hall. The expense of these repairs has been defrayed by the town, but no separate account of them has been kept.

3.—The accommodation is very small, there being only one debtor's room, about 16 feet square, and a thieves hole, about 10 feet long by 6 feet wide. We have known, at one time, four or five debtors in the debtors room; and have known, for a day or two, three or four vagrants, or thieves, confined in the hole; but when any prisoners are committed for capital offences, they are generally, in the course of a day or two after they are committed, transferred to the county jail at Cupar, and to the charge of the sheriff and fiscal of the county. But in no case do the magistrates of one burgh allow prisoners confined for debt to be brought to their jail from the jail of any other burgh, because that would transfer the responsibility from the one burgh to the other.

4.—No record of the prisoners being kept, we cannot answer this query.

5.—The number has not increased of late years.

6.—We should suppose there are more civil than criminal prisoners, but for want of a record do not know the proportion.

7.—We cannot say what proportion of the prisoners belong to the population within the jurisdiction of the burgh—perhaps one half.

8.—The burgh has not sustained any loss by the escape of prisoners within the last twenty years. We have known prisoners, at one time, confined for debt to the amount of nearly 2,000 *l.* If these prisoners had made their escape, such a sum would almost have ruined the town, the law not allowing any redress even if the prisoners had been caught and brought back to prison.

9.—The jailer is paid by a small salary of 9 *l.* from the town and a free house under the jail, and 4 *d.* per day for prisoners confined for debt while in confinement.

10.—The jailer should find caution to the amount of 100 *l.* but the present man has not found security or signed a bond.

11.—The annual average expense for repairs may run about 10 *l.* but as they have not been kept separate, do not know the amount. The expense is not increasing farther than the fall in the value of money will account for.

12.—The free disposable revenue of the burgh, after setting aside for fixed salaries, &c. does not exceed 150 *l.* a year, and arises from feu duties, land rents, harbour tolls, and street dung. The revenue is not falling off, but the expense of keeping the streets, harbour, &c. in repair, and other necessary expenses, is increasing, which is tantamount to a falling off of the revenue.

29 April 1818. *Robt. Meldrun*, Provost.

43.—STIRLING.

43. Stirling.

1.—THERE are ten principal cells in the prison, and four low cells for vagrants, and yet the accommodation is not adequate to the demand.

2.—The jail was rebuilt in the year 1807, at the expense of the town, and cost about 2,650 *l.* sterling, with money borrowed on the credit of the town's common good.

3.—There

43. Stirling.

3.—There are still from three to four prisoners in each of the principal cells.

4.—For the last 20 years, the average was about 16 confined at one time.

5.—For the last three years they have greatly increased, for there have generally been from 33 to 40 confined at one time during these three years.

6.—There are generally one-fourth of the prisoners for crimes, two-fourths of them for debt, and a fourth of them for Excise fines.

7.—Very few of the prisoners belong to the population within the jurisdiction of the burgh, generally not above one-twelfth part of the whole.

8.—Within the last 20 years, the burgh has paid about 420 *l.* for the escape of prisoners, but this was owing to escapes from the old jail, which was insufficient, but they have suffered no loss by escapes since the jail was re-built.

9.—The jailer has a salary of 50 *l.* yearly from the town, and of 20 *l.* yearly from the county, and has no other income from the jail.

10.—The jailer finds caution to make good all losses by escapes, only where they can be placed to the account of his negligence.

11.—The incidental expenses of repairs, and others yearly paid by the burgh, amount to about 20 *l.* sterling yearly, and these expenses are increasing.

12.—The revenue of the burgh is about 2,320 *l.* a year, arising chiefly from the fishings on the Forth belonging to the town, and from the petty customs of the burgh and the entries of burgesses; but it is completely exhausted by the interest of borrowed money and the payment of ministers stipends, schoolmasters salaries, public burdens, and the repairs of public buildings, streets, and mercate-places. For some years past the revenue has decreased to the amount of upwards of 200 *l.* sterling yearly.

Thomas Wright,
30 March 1818. Provost and Chief Magistrate.

44.—SELKIRK.

44. Selkirk.

1.—THE jail of this burgh is sufficient for the accommodation of the prisoners usually confined in it.

2.—The jail is upon the whole becoming, I think, rather more crowded than formerly; but the county being small, and not very populous, the number of prisoners is at no time great.

3.—I think there are in general more prisoners for debt, than for crimes. I cannot mention the exact proportion.

4.—The number of prisoners, whose residence is without the jurisdiction of the burgh, is greater, I think, than the number whose residence is within it.

5.—The average annual expense of keeping the jail may be about fifteen pounds sterling.

6.—This expense has rather been increasing of late than otherways.

7.—The expense mentioned is exclusive of jail fees, which the jailer draws over and above.

8.—The jailer does not find caution to the burgh.

9.—The amount of the sums which the burgh has had, during the last twenty or thirty years, to pay on account of the escape of prisoners for debt, may be about 200 *l.*

10.—In the course of that time there have been two losses; I am not able to state what was the cause of the first; the last was owing to the want of a regular jailer at the time.

11.—These losses from the escape of prisoners cannot be said to have been such as to diminish materially the funds for the payment of such losses in future; but the revenue of the burgh has from other causes been of late materially decreased, so as to render the payment of such losses now a greater hardship.

Wm Lamb, B.

45.—STRANRAER.

45. Stranraer.

1.—WE have only one apartment for each, which are by no means secure; neither is there sufficient accommodation for the prisoners usually confined therein.

2.—The principal expense of building, near 50 years ago, was paid by private donation. And the court house and jail are under the same roof. The expense of both were about 400 *l.*

45. Stranraer.

3.—The debtors room is 12 feet long by 9 feet wide, and a cell for criminals of the same dimensions. It is horrific to think, that at times five debtors have been confined in the first; six criminals in the second; and at times the mixing of debtors and criminals in one apartment has been unavoidable.

4.—On an average of the last twenty years there may be two debtors and one criminal.

5.—Imprisonment both for debt and of criminals have certainly been much more frequent of late years.

6.—The ordinary proportion is three for debt to one for crimes.

7.—The proportion of prisoners belonging to the population within the jurisdiction of the burgh, is one to six who reside without it.

8.—The burgh had to pay about 200 *l.* besides the expense of a long litigation, for the escape of a prisoner for debt, about 30 years ago, owing to the prisoner having forced or obtained the keys from the jailer; and frequently since it has been prosecuted, and threatened with prosecutions for similar escapes, but has not actually paid any thing since the abovementioned, except in defending itself, in which it succeeded, sometimes fortuitously, and sometimes from forbearance.

9.—The jailer gets six guineas annually, and twopence per day from each person confined for debt.

10.—The salary being so small, it is with difficulty jailers can be got, and none who can find caution.

11.—The annual average expenses attending the jail, paid by the burgh for the last twenty years, may be about ten pounds, and is increasing of late.

12.—The annual income of the burgh is about 150 *l.* arising from the seats of the church, customs, and a small portion of land, and has been nearly the same for many years past. But the incidental expenses have been of late increasing much.

ANSWERS for the burgh of Stranraer to the Queries of the Committee of the Convention of Royal Burghs, were sometime ago lodged with the agent for the Royal Burghs, and of these it is thought proper to annex a copy.

1.—THE burgh jail, consisting of a debtors room, twelve feet long by nine wide, and a cell for criminals, of the same dimensions, dark, damp, and ill aired, is neither salutary nor sufficient for the accommodation of the prisoners usually confined in it. The magistrates and councillors, with a view to the better accommodation of prisoners, bought an old castle in the burgh at 340*l.* with the intention of converting it into a jail; which they thought particularly well adapted for the secure detention and health of prisoners, and which could be completely repaired for 500 *l.* more. At a public county meeting, above a year ago, they formally offered the landed interest of the county a participation in this purchase, on paying a moiety of it and the repairs; and stated, that they, the heritors, should either pay a fair and reasonable proportion of a proper jail, and of the expense of keeping it, or relieve the burgh of the county prisoners, and allow it to convert this old castle into a jail exclusively for its own population, which the magistrates and councillors would gladly do; but to this proposal no answer has been returned, and the magistrates and councillors know not, if they repair for their own population, whether they can legally refuse to receive other prisoners. It surely is a hardship, indeed out of the power of this burgh, to be at the entire expense of providing a jail for its own population as well as for that of the county, the more as there is not therein one good jail; and if there was at the head burgh Wigton, it would considerably relieve this burgh; but till one is made there, the better the jail of this burgh is made, the more it will be burdened with prisoners.

2.—The burgh jail is more crowded than formerly. The burgh, from its local situation, at the junction of the roads from England and Scotland to Ireland, so near the embarking port, Port Patrick, and above twenty-six miles from any other jail, must be more harassed with prisoners of every description than any other burgh in the county; and it is obvious, a good jail is more necessary than in any of the other two burghs.

3.—The ordinary proportion is three prisoners confined for debt to one committed for crimes.

4.—The proportion of prisoners, whose residence is within the jurisdiction of the burgh, is one to six who reside without it.

5.—The average annual expense of upholding and keeping the jail is about ten pounds.

6.—This expense has been increasing of late.

7.—No part of this expense is defrayed by jail fees, except that the jailer has twopence per day for each prisoner confined for debt.

8.—The jailer's emoluments being small, the funds of the burgh not admitting of paying liberally, it is with difficulty jailers can be got, and none who can give caution.

9.—The

45. Stranraer.

9.—The burgh, about thirty years ago, had to pay a large sum of money, including the expense of a long litigation for the escape of a prisoner for debt; and frequently since it has been prosecuted and threatened with prosecutions for similar escapes, but has not actually paid any thing since the first-mentioned; except in defending itself, in which it succeeded, sometimes fortuitously, and sometimes from forbearance.

10.—The first loss arising from the escape of a prisoner, and the prosecutions commenced and threatened for those of others, arose partly from the insufficiency of the jail and partly from the carelessness of the jailers.

11.—The funds of the burgh, managed with the strictest economy, are scarcely equal to the annual expense; and these funds are materially decreased, by the purchase of the castle at 340*l.* as before-mentioned, which the magistrates and councillors had to borrow; and it is therefore unnecessary to add, there are no funds to pay hereafter for any loss that may be sustained by the escape of a prisoner.

Gilb. Nish, Town Clerk.

(46.)—TAIN.

46. Tain.

1.—IN answer to this question, the magistrates have but too much reason to say that the jail of Tain is not sufficient either for the accommodation or secure custody of any prisoner, civil or criminal. There is hardly a criminal confined in it who has much difficulty in effectuating his or her escape; for the walls are now so old, that though of considerable thickness, they are easily gone through with a common chisel, the stones easily giving way, and soon reduced to sand; and such has been the situation of the magistrates, and such would be their situation now, were a criminal, lodged for any atrocious crime that, contrary to the laws of Scotland, they would be obliged instantly to put that criminal in irons, otherwise they might lay their account with an escape in forty-eight hours. In such a jail, there can be no accommodation or security.

2.—When or at whose expense this jail was built, even tradition leaves no clue to go by. Enlarged it has never been, but almost yearly repaired at the expense of the funds of the town. The jail is connected with a court house, where the magistrates, sheriff, &c. hold their courts; but though the entry from the street is by a common door, yet the court house has no connection with the jail except the mere circumstance of entry, as there is a separate door soon after entry, leading to the jail upon the left, while the court house is upon the right hand, and the expense of both jail and court house is uniformly defrayed from the funds of the town.

3.—The jail consists of three rooms. The highest is appropriated to ordinary criminals; the centre one to civil debtors; and the lowest which was considered most secure, is generally appropriated for criminals of the deepest dye. But neither of these is fit for the accommodation of even the worst of criminals, to be treated with common humanity; far less is the room for debtors calculated for the accommodation of these unfortunate class of men. No bed, table, chairs or any one article whatever except the bare walls, are there to be found for either debtor or criminal, nor can the funds of the town possibly admit of affording such accommodation within; which the Honourable Committee will easily perceive, when they are informed that the magistrates, out of the small revenue of the burgh, have within these few years, built a complete market place at an expense of 500*l.* and contributed 150*l.* towards building the academy, besides maintaining a grammar school, an English school, and a boarding school for young ladies, with houses to each and a yearly sum of 25*l.* in support of the Royal Academy, besides paying all their officers, maintaining all their public works, streets and markets, and their proportion of building a new church lately erected, besides the repairs of manse and offices.

4.—The number of prisoners civil and criminal usually confined at the same time for the last twenty years, may be upon an average from three to four.

5.—The number has not increased of late years.

6.—The proportion of civil prisoners to the criminal, generally bear as one to three.

7.—The proportion of the prisoners usually belonging to the population within the jurisdiction of the burgh, are as one to six.

8.—The burgh has sustained very considerable loss during the last twenty years, by the escape of prisoners for debt; and the magistrates have been under the necessity of defending suits before the court of session on that account, and their loss has exceeded 150*l.* But it would have been more than double that sum, had not the creditor at the time the debtor made his escape, been provost of the town, who generously passed from any claim; and from what has been already stated, the Honourable Committee will see that there is no possibility of keeping any prisoner in custody without manacles, and these can in no case be used against a civil debtor. The prisoner above alluded to, who made his escape so largely indebted to the then provost, was no native of the country. These when unfortunately unable to pay, generally apply for the benefit of the Act 1691, known by the Act of Grace, and there is no instance of any of these attempting to escape.

9.—The

46. Tain.

9.—The jailer is paid at the rate of half a merk Scots for each civil debtor per night, but he has no allowance for any criminal further than his salary from the town, and his usual clothing; so that his income must be very trifling though it cannot be ascertained.

10.—In the Royal Burghs of Scotland, the magistrates are considered the principal jailers, though the duty is performed by their officers, who attend alternately weekly. No caution therefore is in this case required of them.

11.—The annual average incidental expenses of repairs attending the jail paid by the burgh, at an average of the last twenty years, may be estimated at 20*l.* a year, and these expenses are increasing, particularly during the last year, when a prisoner destroyed every room in it and at last escaped through the wall, notwithstanding every precaution that could be taken to prevent it, and what the expense of making the jail even what it was, may now be, the magistrates have not yet ascertained. But to detain a prisoner either civil or criminal, except those in the situation already mentioned, of applying for the Act of Grace, is what the magistrates are sorry to say they cannot at present attempt to do in the present state of the jail.

12.—The annual income of the burgh is precarious, arising principally from the duties and customs at markets, from muscles taken from the shore, from the rents of a mill, and some feu duties payable from lands holding of the burgh, the annual income may be about 225 *l.* and some years increases and others falls off; for instance, the markets may turn out ill, few muscles may be taken away; and it too often happens, as is actually the case at present, that after a very considerable expense in buildings and repairs, the tenant of the mill turns bankrupt; and therefore taking their exertions for the public good in the expenditure, which the Honourable Committee will easily understand, they will not be surprised that the burgh is somewhat in debt, and that the funds are not sufficient to answer all the requisite purposes. But were they possessed of thousands, the continual repairs of the jail would soon exhaust it and to no purpose; for no repair whatever is sufficient to make it tenable.

7 April 1818. *W^m^ Murray.*

47.—WICK.

47. Wick.

1.—THE jail of this burgh is by no means sufficient for the accommodation and secure custody of the civil and criminal prisoners usually confined therein.

2.—The present jail was built in the year 1750, at the sole and private expense of the late George Sinclair, esquire, of Ulbster, then provost and superior of the burgh, because the burgh had no revenue or funds of its own to do it. The accommodation consists only of four small rooms; two of which (very small indeed) 12 feet by 12 feet 3 inches; and the other two rather larger, 11½ feet by 20 feet 4 inches; but still too small for the number of prisoners confined in them. There is annexed to the prison rooms a court house or town hall, of large dimensions.

3.—The accommodation the jail affords to the prisoners is very miserable indeed; so much so, that prisoners frequently make their escape out of it, by breaking out through the walls, and often through the roof.

4. The average, for the last twenty years, of civil and criminal prisoners, usually confined at the same time, may be from 7 to 8.

5.—The number of prisoners has considerably increased of late years. In the year 1817, there were no less than 15 or 16 persons confined at the same time; more than one half of that number were confined for smuggling and defrauding the revenue.

6.—The proportion which civil usually bear to criminal prisoners are as 2 to 1.

7.—The proportion of the prisoners usually belonging to the population within the jurisdiction of the burgh may be as 1 to 40, from different parts of the county of Caithness.

> *N. B.*—It is very rare indeed that any inhabitant belonging to the burgh is committed to prison. There has not been an instance of a Wick man being in prison for the last three years, as they are very sober, orderly people.

8.—The burgh sustained no material loss by the escape of prisoners for debt, for the last twenty years, except the expense of repairs and advertisements. But that is not the case now. The magistrates have been prosecuted by the Crown, before the court of exchequer, for 900 *l.* sterling, on account of the escape of three revenue defrauders, who broke prison, and came out through the roof, aided by associates from without, who furnished them with ropes and ladders; and a decreet in default has now passed against the magistrates. There is now another process depending against the magistrates, before the court of session, at the instance of one Bruce, a leather merchant in Edinburgh, for a debt of above 200 *l.* sterling, due by one Donald Finlayson, in Thurso, for which he was imprisoned, and remained in prison until liberated by letters of liberation from the court of session, upon his putting his affairs under trust for behoof of his creditors. It appears that, in the month of December last, one Murray Manson, a messenger from Thurso, came to Wick, and about eleven o'clock at night called upon the jailer, and wished to get access to the prisoner Finlayson, as he had

N° 2.
ANSWERS
TO QUERIES.

47. Wick.

particular business to speak to him about. The jailer told him it was too late, and that he could not give him admittance. Upon which Manson said, that, as a messenger, he had a right to call on a prisoner at any time of the night; and in this belief, the poor ignorant jailer not only gave Manson admittance at that unseasonable hour, but also allowed the prisoner to accompany Manson to a public-house, where they had some drink; and then Finlayson returned to jail, until liberated as above-mentioned. And although Manson, the messenger, imposed upon the credulity of the poor jailer, yet he immediately gave information to the incarcerator, or his agents, of Finlayson being allowed to come out of jail. Upon which a vexatious process was commenced against the magistrates, and is now depending. The most vigilant, active magistrates in the kingdom might be implicated in this manner.

9.—Until within these very few years, the jailer was only allowed a salary of 40*s.* per annum, besides the jail fees, which, at an average, might amount to 6 *l.* or 7 *l.* more; but he is now allowed 4 *l.* sterling per annum of salary, besides the jail fees, which, one year with another, may amount in all to 10 *l.* sterling, salary and fees.

10.—It is impossible to find a jailer for so small a salary as above to find caution, and, of course, no Wick jailer ever found caution; and indeed there is the greatest difficulty in finding any person to accept of the office when there is a vacancy, on account of the smallness of the salary. Besides, the office is considered very degrading. The smallness of the burgh funds will not admit of a larger salary.

11.—The average annual amount of repairs, and other incidental expenses attending the jail, paid by the burgh, exclusive of jailer's salary, for twenty years preceding 1817, was from 10 *l.* to 15 *l.*; but in the year 1817, owing to the escape of prisoners as above, the expense of repair cost 50 *l.* sterling, and that only a very temporary one. The state of the jail is so very ruinous, and the accommodations so bad, that it would cost 1,000 *l.* *at least* to make it a secure, commodious jail.

12.—The annual income of the burgh is no more than 40 *l.* sterling, and that arises from shore dues and anchorage paid by the British fishing society. Any petty customs paid on the streets do no more than pay postages and incident charges. Out of the above 40 *l.* the clerk is allowed a salary of 10 *l.* besides 4 *l.* to the jailer.

Until the last five years, the income of the burgh did not, at an average of the twenty years immediately preceding, amount to 25 *l.*; and it is not likely further to increase.

By order of the Magistrates,
Town Clerk's Office, Wick, *Pat. Thomson*, Clk.
13th March 1818.

48.—WIGTOUN.

48. Wigtoun.

1.—THE jail of this burgh is very far from being sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein.

2.—The present town-house, consisting of a hall where the sheriff and other courts and county meetings are held, with a ball-room, and the prison after-mentioned, are all contained within the same walls, and under the same roof, and were erected in the year 1775, and cost the burgh 590*l.* by contract, but with subsequent additions, about 1,000*l.* which brought the burgh under debt for many years. The county contributed only one hundred pounds. The expense of the jail and the other building cannot be distinguished, having been erected together, but very superficially executed.

3.—The accommodation of both criminals and debtors is very bad, there being on the ground floor only three small damp cells without fire-places, a debtors room in the second, and another in the third story, each 15 feet by 8 feet; and when females are confined, it has been found difficult to keep them separate from the male prisoners. There is no separate necessary for the prisoners. In each of the debtors rooms there is a small place lately covered in, and in the cells open tubs are used.

4.—The number of prisoners civil and criminal confined at the same time, on an average of 20 years, has been about five; but by times, and particularly of late years, the number has been at one time fourteen.

5.—The number of prisoners of all descriptions has increased of late years.

6.—The proportion of civil bore like 5 to 1 of criminal.

7.—The proportion of prisoners usually belonging to the population within the jurisdiction of the burgh, has not been more than 1 in 20 to the whole number.

8.—The burgh has sustained loss by the escape of prisoners for debt, during the last twenty years, to the amount of upwards of 200*l.* the escapes were entirely owing to the insufficiency of the walls of the prisons, and the windows, though staunchioned, being not properly secured; and on two occasions the doors were burned, though double and sparred with iron. There being no house for the jailer furnished by the public, his residence is sometimes at a distance from the jail.

48. Wigtoun.

9.—The jailer is paid a salary out of the burgh funds of 6*l.* yearly, besides an allowance of 3*l.* a year for house rent, and his income arises otherways from four-pence from each debtor for every night; but this is very ill paid; he also gets 2*s.* 6*d.* when each debtor is imprisoned; but his whole emoluments do not exceed his salary.

10.—The jailer does not find caution. The magistrates and council select an honest careful man for the office; but he is in so low a station of life, and the salary and emoluments so trifling, that he is not expected to find caution, and it is no easy matter to find a person fit for the office who will accept of it even without the burden of caution.

11.—The annual average of the repairs and other incidental expenses attending the jail paid by the burgh, exclusive of jailer's salary, taking the average of the last 20 years, may be about 16*l.* but which of late years has increased, and particularly last year, in consequence of directions from the Lords of Justiciary, the burgh has expended 31*l.* 6*s.* 6*d.* on the prisons.

12.—The revenue of the burgh arises;	£.	s.	d.
1st. From the rent of lands (which has lately decreased) - - -	144	0	0
2d. From feu duties - - - - - - - - -	52	7	0
3d. From customs - - - - - - - - -	50	0	0
4th. From interest of 200*l.* saved by the burgh, and laid out at interest many years ago - - - - - - -	10	0	0
Amounting in all to - - - - - - - - £.	256	7	0

The following is an Abstract of the average Annual Expenditure of the Burgh Funds for the last five years; viz.

	£.	s.	d.
1st. Salaries to schoolmaster, schoolmistress, clerk, jailer, officer, &c. -	99	4	7
2d. Laid out in making improvements within the town, and upon the burgh lands - - - - - - - - - -	99	8	0
3d. Taxes and public burdens - - - - - - -	38	1	11
4th. Pensions and incidental charities to burgh officers, &c - -	3	11	2
5th. Repairs to prison - - - - - - - - - -	16	6	0
6th. Expense of entertainments at meetings of council, &c. - -	9	17	5
7th. Incidental expenses, such as aliment to poor prisoners, expenses of retaking prisoners who had escaped, &c. - - - -	23	0	11
8th. Sums paid to creditors in consequence of the escape of their debtors from the burgh jail - - - - - - -	5	11	4
Total annual average expenditure of the burgh for the last 5 years £.	295	1	4

The magistrates have always considered it extremely hard that they should have all the trouble and risk as to the prisoners, and that the burgh should be at the expense of erecting and maintaining the prisons, when almost the whole prisoners come from other parts of the county, and very few from the burgh. The county gentlemen are well satisfied of the insufficiency of the present prisons, and many of them have expressed a willingness to concur with the burgh in contributing to a new erection; but without some compulsory measure nothing is likely to be done for a long while.

The magistrates of Wigtoun have only farther to add, that they understand the law to be as stated in the petition to the House of Commons from the convention of burghs.

Chiefly from the information of Mr. Jn. Connell the town clerk, who has held that office for upwards of 45 years.

Wigtoun, 7 May 1818.

John Simson.
John Black.

49.—WHITHORN.

49. Whithorn.

1.—THE jail of this burgh is considered sufficient for the accommodation and secure custody of civil and criminal prisoners confined therein.

2.—The jail and court-house are connected, they were built in the year 1814 under the same contract; the expense was 876*l.* 12*s.* 8*d.* of which sum, 332*l.* was raised by subscription, and the balance borrowed by the burgh; but not yet paid.

3.—There is a very good room for those imprisoned for debt, and two cells for criminals.

4.—In the year 1815, there was eight; and in the year 1816, nine persons confined for debt; six of these were within the jurisdiction of the burgh, and the others in the country; but excepting in these two years, there has not at an average, been above one in each year for twenty years past; no criminals, and not more than one debtor at one time.

49. Whithorn.

5, 6.—These may be considered answered in answer to query 4.

7.—The population within the jurisdiction of this burgh, may be considered about 1,200; and it appears by answer to query 4, that only six of these belonged to the burgh.

8.—For the last twenty years none imprisoned for debt, except one escaped from the jail; the escape was occasioned by the carelessness of the jailer; but except a few shillings, the burgh was reimbursed of the debt.

9.—The jailer is paid by the person incarcerated; he is also town officer, for which he receives a salary.

10.—The jailer has never been required to find caution.

11.—As the jail and court-house have been so lately built, no repairs have been necessary.

12.—The annual income of the burgh has never exceeded 115 *l.* and very seldom so much; it chiefly arises from the dues collected at the harbour from goods and shipping, and some feu duties.

12th March 1818. *John Milroy,* Town Clerk.

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REPORT

FROM THE

SELECT COMMITTEE

ON THE

STATE OF

PRISONS IN SCOTLAND.

Ordered, by The House of Commons, *to be Printed*
18 *May* 1826.

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APPENDIX; *viz.*

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N° 2.—RETURNS of State of Prisons - - - - - p. 49

N° 3.—ABSTRACT of Income and Expenditure of Royal Burghs p. 112

REPORT.

THE SELECT COMMITTEE appointed to inquire into the State of PRISONS in *Scotland*, and into the means of Maintaining Prisoners confined therein under Criminal Warrants, and to report their Observations thereupon to The House; and who were empowered to report the MINUTES of the EVIDENCE taken before them;—HAVE agreed upon the following REPORT.

YOUR COMMITTEE have called for and obtained Returns calculated to show the present condition of the Prisons in Scotland, and they have examined several Witnesses qualified to afford important information on the subject. They have also procured Evidence as to the extent of the Funds belonging to Royal Burghs, on which alone the obligation to erect and maintain sufficient Gaols, and to aliment Prisoners under criminal warrants subsequent to conviction, is at present by law imposed.

The result of this inquiry has, in the opinion of Your Committee, been to show, that with a few exceptions, the state of those Prisons is very defective in point of security, accommodation and management; while the funds from which such Prisons ought to be improved, are, in most instances, inadequate to that purpose.

It seems matter of regret, that so little advantage has resulted from the inquiries into the state of Scottish gaols, which were made in Parliament in the years 1818 and 1819, followed by the Act 59 Geo. 3. c. 61, which enabled Counties to give aid to Burghs in enlarging and improving their Prisons; and under such circumstances it appears to Your Committee, that it is no longer a matter of choice but of necessity, that a speedy and effectual remedy should be applied to an evil of such magnitude.

Impressed with the belief that no Prison can be properly constructed or regulated unless it be of considerable size, it has occurred to Your Committee, as a matter meriting much attention, whether it would not be expedient that gaols should be erected in certain districts of Scotland, calculated for the custody of Prisoners under criminal warrants, when subjected to imprisonment of some duration. As the Assizes are not held in every county of Scotland, but solely at what are termed Circuit Towns, (to which towns Prisoners, not only from the counties in which such towns are situated, but from those of several adjoining counties, are brought for trial,) it is sufficiently apparent that such Circuit Towns would naturally form the most proper sites for these Prisons; and that the counties from whence Prisoners are so brought for trial, would constitute the districts for whose Prisoners such gaols would respectively afford accommodation.

While Your Committee have thought it their duty to bring this point into notice, they find it impossible, at this advanced period of the Session of Parliament, to furnish a full and satisfactory Report on the important and difficult matters referred to their consideration, especially as touching the sources from which the necessary means for erecting proper Prisons, and for the alimenting of Prisoners under criminal warrants, subsequent to conviction, ought to be derived. Your Committee have, therefore, deemed it the most advisable course to report the Evidence taken by them to the House, accompanied by the humble expression of their opinion, that in the next Session of Parliament these important subjects ought again to be referred to a Committee, so that remedies best suited to the evils may, after mature consideration, be suggested, and forthwith receive effect.

With the view of obtaining correct Evidence of the amount of the Funds belonging to Royal Burghs, Your Committee thought it the most expedient course to call for copies of those accounts of each Burgh, which had been made up for the year ending in October 1825, in terms of the Act 3 Geo. 4. c. 91, intituled, "An Act for regulating the mode of accounting for the common Good and "Revenues of the Royal Burghs of Scotland;" such Accounts were in consequence obtained; but they proved to be so voluminous, that Your Committee have not deemed it advisable to lay them before the House, but have caused an ABSTRACT made from these Accounts to form a part of the Appendix to this Report.

18 *May* 1826.

Appendix, N° 1.

MINUTES OF EVIDENCE.

Adam Duff, Esq.
Andrew Murray, Esq.
James Reddie, Esq.
Andrew Clephane, Esq.
Henry Home Drummond, Esq.

Appendix, N° 2.

RETURNS OF STATE OF PRISONS OF

1. Aberdeenshire.
2. Argyleshire.
3. Ayrshire.
4. Banffshire.
5. Berwickshire.
6. Buteshire.
7. Clackmannanshire.
8. Dumbartonshire.
9. Dumfries-shire.
10. Edinburghshire.
11. Elginshire.
12. Fifeshire.
13. Forfarshire.
14. Haddingtonshire.
15. Inverness-shire.
    N. B.—Annexed to this Return, is a Report of a Committee of Commissioners of Supply for the county of Inverness, on the state of Gaols.
16. Kincardineshire.
17. Kinross-shire.
18. Kirkcudbright.
19. Linlithgowshire.
20. Lanarkshire.
21. Nairnshire.
22. Orkney and Zetland.
23. Peebles-shire.
24. Perthshire.
25. Ross-shire.
26. Roxburghshire.
27. Selkirkshire.
28. Stirlingshire.
29. Sutherlandshire.
30. Wigtonshire.

Appendix, N° 3.

ABSTRACT OF INCOME AND EXPENDITURE OF ROYAL BURGHS.

1. Aberdeen.
2. Annan.
3. Anstruther Easter.
4. Anstruther Wester.
5. Arbroath.
6. Ayr.
7. Banff.
8. Brechin.
9. Bruntisland.
10. Campbeltown.
11. Crail.
12. Culross.
13. Cullen.
14. Dingwall.
15. Dornoch.
16. Dumbarton.
17. Dumfries.
18. Dundee.
19. Dunfermline.
20. Dysart.
21. Edinburgh.
22. Elgin.
23. Forfar.
24. Forres.
25. Fortrose.
26. Glasgow.
27. Haddington.
28. Inverary.
29. Inverbervie.
30. Inverkeithing.
31. Inverness.
32. Inverury.
33. Irvine.
34. Jedburgh.
35. Kilwinning.
36. Kinghorn.
37. Kintore.
38. Kirkcudbright.
39. Kirkwall.
40. Lanark.
41. Lauder.
42. Linlithgow.
43. Lochmaben.
44. Montrose.
45. Nairn.
46. New Galloway.
47. North Berwick.
48. Perth.
49. Pittenween.
50. Queensferry.
51. Renfrew.
52. Rothsay.
53. Rutherglen.
54. Sanquhar.
55. St. Andrews.
56. Selkirk.
57. Stirling.
58. Stranraer.
59. Tain.
60. Whithorn.
61. Wick.
62. Wigton.
    Note relative to ditto.

APPENDIX.

Appendix, N° 1.
MINUTES OF EVIDENCE.

Martis, 18° *die Aprilis*, 1826.

THE LORD ADVOCATE OF SCOTLAND
IN THE CHAIR.

Adam Duff, Esquire, called in; and Examined.

Adam Duff, *Esq.*
18 April, 1826.

YOU are sheriff depute of the county of Edinburgh?—I am.

How many years have you been so?—Nearly seven years.

Were you sheriff depute of another county before that?—Yes, I was sheriff depute of Forfarshire for twelve years previous.

Does the designation "sheriff depute" mean that you are deputy to any other subject?—No, I am the King's deputy.

What are the duties of your office connected with the criminal department?—I have the conducting of precognitions, and in investigating crimes.

Are you in use to grant many criminal warrants of commitment?—A good many.

You investigate crimes for trial before the supreme court?—Yes, and also try crimes in my own court.

You have access to know the state of some of the prisons in Scotland?—Yes.

Particularly those of your own county?—Yes.

Will you explain to the Committee the law of Scotland with respect to the burdens of erecting and maintaining prisons?—The burden of erecting and maintaining prisons, is at present laid entirely on the burghs. The liability has been imposed on them in consequence of a special statute 1597, cap. 277. Previously to that statute, the burghs were only bound to receive prisoners committed by their own magistrates; originally, every local jurisdiction, whether baron, feudal lord or burgh, had a prison for committing offenders within the jurisdiction, for the jurisdiction and the privileges could not have been maintained without such prison. Most of the burghs were also under the protection of a king's castle, belonging to the king. In these castles, criminals arrested by the coroner were confined. The statute 1487, cap. 101, provided that all trespassers arressted by the crown, should, if there was no castle to receive them, be kept by the sheriff, in default of their own goods, at the king's expense, until trial; but in 1597, a special statute, cap. 277, was passed, which proceeds on the assumption that for want of sufficient prisons, castles and wardhouses, sundry rebels and transgressors of the law as well criminal as civil, escape unpunished, and justice is contemned. This statute therefore ordained that prisons should be built, upheld and maintained by the provost, bailiffs and communities of the burghs, upon their own common good; that is, their landed property, or otherwise upon the charges of the burgh. This burden of building gaols, however, was not, for the first time, imposed on burghs by this statute; but the statute further obliged the burghs to receive into their prisons all persons presented by the king's officers, sheriffs, or stewards and baillies of regalities, or by the executors of captions, and to keep them at the prisoner's own expense. The burghs were at this time wealthy, and enjoyed not only common good or landed property, which most, if not all of them, had received from the crown, but also exclusive privileges as to trade: and this burden was, I dare say, imposed upon the burghs to relieve the crown, which had been much impoverished by the lavish grants made in the minority of James the Sixth; and the crown was too weak to impose this burden on the barons. Since the passing of this statute, therefore, it has been held, that the expense of erecting and maintaining prisons is a burden on the burghs. This burden, when first imposed, was trifling when compared with the privileges as to trade enjoyed by the burghs; but the situation of the burghs is now much altered; for these privileges, in point of trade, have been much impaired, and may almost be considered as at an end, along with other monopolies. At the time when this statute was passed, imprisonment was scarcely known in Scotland as a punishment for crime. In cases of tumult, or of state crimes, imprisonment was not uncommon; but it was either before or without trial, and in the castle of the king or of the barons. Ordinary delinquents were seldom imprisoned

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prisoned before trial; and when convicted, they were generally sentenced to death or corporal punishment, or were found liable in a fine to be brought in, and applied to the king's use. Imprisonment, when ordered, was an imprisonment to remain at the king's will. There has been no statute tending to relieve the burghs from the expense of erecting and maintaining gaols, passed, except the statute 59 Geo. 3, cap. 61, which enables counties to give aid to burghs, for the purpose of improving, enlarging, or of building their gaols, but this statute is not compulsory on counties.

Are you aware whether sheriffs, prior to the abolition of heritable jurisdictions, had gaols belonging to them?—Every lord of heritable jurisdiction had a gaol to enforce his authority; and the sheriffs, I suppose, also had gaols at that time.

At that time the sheriffs were heritable officers, possessing the office by succession?—Yes.

Then they must have had gaols?—Yes.

Then when the heritable jurisdictions were abolished, and became absorbed in the crown, must not that burden have gone along with it?—The burden certainly ought to have gone along with it; for the consequence of the abolition of the heritable jurisdictions was, that the barons had no longer any interest to keep up a prison, and therefore the number of persons imprisoned in the gaols of the burghs was much increased.

Was not jurisdiction a source of profit in those early times?—It is always understood to have been so. The king, or the lord of the jurisdiction, received the fines, and also the escheats or forfeitures of the delinquents,

Upon the abolition of the heritable jurisdiction, those went to the crown?—I have had an opportunity of seeing the Act and opinion of the Court of Session in the case of the Duke of Argyle. The duke claimed compensation for different heritable jurisdictions; viz. for the heritable office of justice-general of the shire of Argyle, and the whole islands of Scotland, except Orkney, Shetland and Arran; for the heritable sheriffs office of the shire of Argyle; for the heritable jurisdiction of the lordship and regality of Campbell, and other heritable offices. Each of these offices was held by the duke, under rights which contained a clause giving the duke the right of escheat; and his right of the lordship of Campbell, expressly bore a clause giving him the power of fining absentees and transgressors, and of uplifting and converting the fines to his own proper use. In support of his claim, he produced two decrees of the Court of Justiciary, one of the High Court, the 8th July 1709, and another of the Circuit Court of Glasgow, 14th October 1708, sustaining the duke's right of judging in cases of individuals who had been repledged by the duke.

Will you have the goodness to explain what is meant by repledging, in the law of Scotland?—Claimed by the duke on account of their being within the bounds of his heritable jurisdiction; he had the exclusive right of trial of such prisoners. The duke also founded his claim on another decision of the Court of Justiciary, on the 27th February 1738, refusing suspension of sentence pronounced by the justiciary depute of Argyle.

Will you explain what is meant by suspension of sentence?—An appeal offered against a sentence. The appeal was dismissed as incompetent, on account of the duke having the exclusive right to try within his own bounds; and the sentence of the duke, or his depute, not being subject to be reviewed by the Court of Justiciary. In opposition to the duke's claim, it was stated for the crown, that there was an agreement between the crown and the family of Argyle, in virtue of which one half of the fines and escheats of delinquents, within the limits of the heritable jurisdictions of the family of Argyle, belonged to the crown. There does not appear to have been any calculation as to the pecuniary value of the jurisdictions. The claim was principally founded on the great local extent of the jurisdictions. The duke claimed 15,000*l.* for the heritable office of justice-general, 5,000*l.* for the heritable office of sheriff of Argyle; and these two claims were sustained to their full amount. He also claimed 5,000*l.* for the other heritable offices; but this last was cut down to 1,000*l.* These heritable jurisdictions were abolished by the statute 20 Geo. 2. cap. 43, and power was given to the Court of Session to award compensation to the holders of these heritable jurisdictions. The amount of compensations awarded, appears in the Acts of Sederunt of the Court of Session 18th March 1748.

When the crown thus obtained the emoluments arising from jurisdictions, was not the practical effect of the Act to relieve the crown of the expense of maintaining certain prisons?—The practical effect of the Jurisdiction Act, in the first place, was to take away from the baron or great feudal lord, every interest to keep up his prison in future; and the consequence was, that the number of prisoners in the burgh prisons was much increased.

I presume there ceased to be any obligation on the sheriff, to keep up a prison after he had ceased to be heritable sheriff?—Yes.

And if there was such an obligation, it then became an obligation on the crown?—It became an obligation on the crown, because the crown who purchased up the right of the heritable jurisdictions and the right of fines and escheats, also became liable in the burden of keeping the prisoners.

Is it not probable that the relief from this burden would be taken into consideration in estimating the loss of the office?—I do not know as to that.

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Is there any means of ascertaining now the principle on which these compensations were granted?—None, as far as I know. It occurs to me that the burghs ought at that time to have come forward and to have claimed relief from the burden imposed on them, in consequence of the additional number of prisoners.

What prisoners, under criminal warrants, are the gaols of burghs bound to receive?—They are bound to receive all prisoners under criminal warrants in consequence of the statute 1597.

To whatever county the magistrate granting the warrant belongs?—Only of their own county.

And also from the Court of Justiciary?—And also from the Court of Justiciary. That is in consequence of the universality of the jurisdiction. The Court of Justiciary's jurisdiction extends all over Scotland.

What debtors are liable to be imprisoned in the particular prisons of Scotland?—The burgh gaol next to the place where the warrant is put in force against the debtor, is bound to receive him.

What is the responsibility with respect to debtors?—If the debtors escape, the magistrates of the burgh are liable for the debt; even though the debtor should immediately be retaken, and although the creditor should not be able to prove that he had suffered any damage from the escape.

What is reckoned an escape in Scotland?—A man getting out of gaol; and it is even very doubtful how far a debtor can be allowed the use or privilege of any airing ground attached to a prison. I believe, that in two Goal Acts, there is a clause specially allowing debtors the use of airing grounds, and declaring that a debtor taking the use of the airing ground shall not be held an escape.

In the event of his being sick, is there any remedy;—Then he gets out on a sick bill. There must be a certificate of his sickness, and of his being in danger from confinement.

On whose authority is that done; who judges of the certificate?—The magistrates of the burgh.

Is this matter regulated by any particular ordinance?—Yes, it is regulated by Act of Sederunt of the Court of Session, 14 June 1671.

As to the aliment of prisoners, and in the first place of criminal prisoners, who aliments them?—It appears from the two Scotch statutes already mentioned, 1487, cap. 101 and 1597, cap. 277, that criminal offenders, if they had funds of their own, were then maintained at their own expense; but the burden of alimenting prisoners, who have no funds of their own, has, subsequently to the statute of 1597, fallen on the burghs; for the burghs were bound to receive the prisoner, and having received him, they were bound to keep him from starving, and were not entitled to set him at liberty. It is settled in law, that previous to trial, the aliment of prisoners is paid either by the borough or the county, according as the offence charged has been committed within or without the borough. This is settled by the statute 11th Geo. 1st, cap. 26, called The Disarming Act, which gives freeholders a power of assessing the counties in such a sum as they shall judge reasonable and sufficient for defraying the charges of apprehending criminals in their county, and of subsisting them when apprehended, and of prosecuting them; but it is doubtful how far this statute is compulsory on the freeholders, and the general opinion is, that it only gives them the power of assessing the county at their own discretion. With respect to aliment of prisoners after conviction, it has been settled by a late case, Ramsay *against* the Magistrates of Dundee, and others, that the burghs are liable in the aliment of all criminal prisoners after conviction. In that case, Ramsay and others were sentenced by judgment of the sheriff of Forfarshire, to be imprisoned in the gaol of Dundee for three months, and until they should find caution or security to keep the peace. Having no funds of their own to aliment them, they brought an action against the magistrates of Dundee, the sheriff, procurator fiscal, convener of commissioners of supply, and collector of the land tax, as representing the commissioners of supply; and against the officers of state, as representing the crown. The purpose of the action was to have it ascertained, which of the defenders were liable in the aliment of the prisoners. The case came before the first division of the Court of Session, who considered it as a question of great importance. They consulted the judges of the second division, and also the permanent Lords Ordinary; and after receiving these opinions, they found the magistrates of Dundee alone liable.

Do the terms used in the Disarming Act enjoin the freeholders to assess themselves, or only empower them?—They only declare it shall and may be lawful for the freeholders, and therefore only empower and do not require them.

If freeholders were to refuse to lay on the assessment, from what funds would prisoners under criminal warrants be maintained?—I know of no fund out of which they could in that case be maintained.

With respect to debtors, how are they maintained by the law of Scotland?—Burghs orginally were bound, as having received them.

Who are more recently bound by the law of Scotland?—By the statute 1696, and a late statute, the burden now lies on the creditor.

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Are there any means provided by law by which the debtor can compel the creditor to aliment himself?—He applies to the magistrates under the Act of Grace 1696, c. 32, requiring the magistrates to have the creditor ordained to aliment him, and the magistrates to fix the aliment.

Is there any period at which the aliment was to be ascertained?—He could not apply for it until he had been ten days in prison; and when he applied, the creditor might oppose it on the ground of the debtor having funds of his own.

How was he maintained during these ten days?—He was maintained at the expense of the burgh, if he had no funds of his own.

Was there any legal obligation on the burgh to maintain?—There was no other obligation than this, that the man could not be allowed to starve.

That was an obligation of humanity and not of law?—Not of law.

Has there been any late remedy?—Yes; the statute 6 Geo. 4, c. 62, has provided a complete remedy.

Of what nature?—It prohibits any gaoler from incarcerating a debtor, unless the creditor incarcerator deposits 10 *s.* for the debtor's aliment during these ten days.

Have you any evidence to show how that statute has operated?—I have inquired at the different gaols in the county of Edinburgh, and at the gaols of Linlithgow, Stirling and Glasgow, and I give in a note of the result of my inquiries.

Does it appear from that result, that the number of prisoners confined for small debts has been diminished?—Yes, it does.

To a very considerable extent?—Yes; it appears that in these different gaols the number of prisoners imprisoned in 1824, was 2,063 as a general number; and in the year 1825, there were only imprisoned 1,574, being a difference of 489.

Was that difference in small debts?—The difference was principally in the small debts. The number of debtors for debts above 5 *l.* in the year 1824, amounted to 669; in 1825, they amounted to 625, making a reduction of only 44. The number of debtors for debts of 5 *l.* and under, imprisoned in these gaols in 1824, was 1,394, and in 1825, 949, making a difference of 445.

Does it appear that in all the gaols the reduction has been considerable?—Yes; the reduction has been different; but there has been a considerable reduction in all.

Then this last statute of the 6 Geo. 4, c. 62, must have operated as a considerable relief to the royal burghs, with regard to the burden of alimenting prisoners for debt?—Certainly, as to civil prisoners. It will relieve them entirely of the burden of alimenting prisoners for debt.

Has any additional burden been imposed upon the burghs, for this relief they have experienced?—None.

When the Act 1696 was passed, to which you formerly referred, and which is commonly known by the name of the Act of Grace, did the burghs then experience considerable relief from the burdens which the law previously imposed upon them?—The only benefit they received was the benefit resulting from the statute which enabled the debtor to apply for the relief, and the burgh was not called upon, from motives of humanity, to aliment the prisoner for longer than ten days.

Have you ascertained in point of fact, that burghs did aliment prisoners during these ten days?—Only from inference and from what I have heard.

Then the total extent of the relief which this last Act can afford to burghs, is merely the maintenance of the prisoner during these ten days, if such obligation was given effect to by the magistrates?—Yes.

Are any fees exigible in the Scotch gaols?—There are none in the gaol of Edinburgh exigible from debtors. There is a fee of booking, as it is called, exigible from the creditor incarcerator, which in Edinburgh is sixpence on each pound of the debt.

Are there any exigible from criminal prisoners?—None.

Did you ascertain whether in any of the other prisons you visited, there were any fees?—No, I did not. There are none exigible, either from criminal prisoners, or from a debtor in Edinburgh.

In obtaining the benefit of the Act of Grace, how is the expense defrayed?—The debtor must do it out of his own funds, unless he is put upon the poors roll of the court.

In the event of gaols getting out of repair, is there any jurisdiction in Scotland, that can compel their restoration?—If the burgh has funds to repair it, I think it could be compelled by the Court of Justiciary, as far as respects criminals.

What if they had no funds?—There is no possibility in that case, of enforcing any order or recommendation of the Court of Justiciary.

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Have the magistrates any power of assessing the inhabitants for the erection of a gaol, in the event of their having no funds themselves?—None.

I think you have said, that in your opinion the burden of keeping up the gaols fell on the crown, after it was taken off the sheriffs, barons, and feudal lords by the Jurisdiction Act; is that merely a matter of opinion, or was it in point of fact assumed by the crown?—No; it was neither assumed by the crown, nor is it the law, that it fell upon the crown; but I think it ought to follow as a natural consequence that when the crown purchased up the heritable jurisdictions, they purchased them under the burden of maintaining the gaols.

But the consequence was not carried into effect by any law?—No; nor is it held to be the law, that the crown is bound to maintain the gaols; on the contrary, ever since 1797 that has been laid solely on the burghs.

Then the barons, heritable sheriffs, and the heritable lords of regalities, were relieved from the burden of maintaining these gaols?—They were.

But there never was any burden, in regard to the maintenance of gaols, that fell in Scotland upon the proprietors of lands?—None.

You have said, that the burghs are bound to receive, in their gaols, all prisoners committed for crimes by the magistrates, or in punishment of crimes by the magistrates of the county?—Yes.

Can the magistrates of the county choose any of the burgh gaols within the county, at their discretion?—They are entitled to do so.

Then, is it not their duty to choose those gaols that are the best and the most secure?—Certainly.

In cases of debtors, you have said that the burghs are bound to receive all debtors?—Yes.

Do you not mean, that the debtor must be committed to the next sure gaol?—To the next sure gaol.

From the place where he is apprehended?—Yes.

Are you aware of any decision that has taken place, with regard to debtors using an airing ground being an escape?—No, I am not.

But you have stated that there are special Acts passed, declaring that the use of these airing grounds, in these particular gaols, shall not be an escape?—There is a clause to that effect in the Edinburgh Gaol Act.

Are you of opinion, that that clause, in an Act of Parliament, amounts to a parliamentary declaration, that without such clause it would be an escape?—I cannot well answer the question.

Is not the principle of imprisonment for debt in Scotland, the compelling of the debtor to pay his debts by what is called the *squalor carceris*?—It certainly is.

Liberty to go into an airing-ground is contradictory of that principle?—It is against the principle.

You have mentioned the obtaining of sick bills, in the case of debtors whose health is affected by the confinement; and you have said that the magistrates of the burgh are the judges; is there an appeal also from the judgment of the magistrates?—Yes, to the Court of Session.

Is there no other remedy than an application to the Court of Session, in case of the magistrates refusing to liberate a person upon a sick bill?—None, that I am aware of.

However remote the place may be from Edinburgh?—No, none.

You have said that the freeholders have a power by the 11th Geo. 1. c. 26, of assessing the heritors of the county for the maintenance of the county prisoners, for crimes before conviction?—Yes.

Are not the freeholders in Scotland usually a small part of the heritors?—Yes, they are.

Are there not many freeholders in Scotland who are not heritors?—Yes, there are some. I do not know what the proportion may be.

Are there not courts of the heritors held in every county distinct from the courts of the freeholders?—Yes.

Do not the county assessments usually rest with these courts of the heritors, and not with the courts of the freeholders?—All other assessments are imposed by the commissioners of supply and heritors.

Are you aware of any reason, from the time of the passing of the 11th Geo. 1. c. 26, for the vesting this power of assessment you have mentioned, in the freeholders, rather than in the heritors?—The Act was passed soon after the succession of the Brunswick family. The freeholders took the oaths to government, and government thought that the freeholders could be entrusted with the power; whereas the loyalty of the other heritors who had not taken the oaths, was somewhat doubtful.

You

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You have stated, that in your opinion, this Act is not compulsory upon the freeholders to assess the county for the maintenance of these prisoners?—Yes.

If the freeholders were not so to assess the county, what remedy is afforded?—I am not aware of any remedy.

Who in practice affords, in the first instance, the sum necessary for the maintenance of prisoners before conviction, and for expense of prosecuting them?—The sheriff clerk and the procurator fiscal, generally do so.

Is any one obliged to advance it?—None, no person is obliged to advance it.

And do the sheriff or clerk, or procurator fiscal, make the advance at their own risk of the sum being sustained by the holding freeholders?—They do.

You have stated, that the burghs are bound by law to maintain criminal prisoners after conviction; if the burghs have not funds for this purpose, what is the remedy?—I am not aware of any remedy.

In point of practice, how are they maintained where the burghs have no funds?—Where the burghs have no funds they have no gaol, and therefore there are no prisoners.

In point of fact, is there a burgh in Scotland without a gaol?—Yes, there are. Queen's Ferry is merely a lock-up house, and there are different other burghs similarly situated.

But these lock-up houses are, in point of fact, the burgh gaol, though insufficient for the purpose?—They only take in rioters, and do not take in debtors.

What do they do with the debtors?—Carry them to the next sure gaol.

Supposing that a creditor was of purpose to incarcerate his debtor in the gaol of one of these small burghs which is quite insecure, would not the burgh be nevertheless bound to receive the prisoner, and if he escaped, from the insecurity of their gaol, be liable for the debt?—The messenger is bound to carry the debtor to the next sure gaol, and therefore the messenger ought not to carry him to a gaol, except one that is secure.

Then is the messenger the judge of the security of the gaol?—I should think he is, in the first instance.

Do you consider the messenger and his cautioner liable, if he should commit his prisoner to a lawful gaol, that gaol being insecure?—No; after the magistrates had received him, the magistrates are liable.

Have the magistrates then a power to decline receiving a debtor carried to them for incarceration by a messenger under a lawful warrant?—I do not believe they have.

You have said, that you think the jurisdiction of the Court of Justiciary extends to the enforcing the repairs of gaols for the purpose of containing criminal prisoners?—I think so.

Upon what is that opinion founded?—The Lords of Justiciary have a power to see that every thing relating to criminals is properly conducted.

Are you aware of any instance in which the court has exercised that power?—They have, in different instances, given recommendations, but I do not know that they ever went further.

Do you know of any instance of petition or complaint to the Court of Justiciary against the magistrates of any burgh, complaining of the insecurity or insufficiency of their gaol?—I am not aware of any at present.

How many prisons are there in the county of Edinburgh?—I beg leave to refer to the Return for the County of Edinburgh, which I have already given in. The prisons in the county of Edinburgh are, first, the Calton gaol; the Lock-up house, which is a branch of the Calton gaol; the Canongate gaol; the gaol of Musselburgh, the gaol of Dalkeith, and the Leith gaol. Debtors are received into all these gaols, except the Dalkeith gaol, and the lock-up house. There is also a Bridewell or House of Correction for the county of Edinburgh, situate in the city of Edinburgh.

The Calton gaol was lately erected?—Lately erected under special Act of Parliament.

Is it completed?—Only the criminal part is completed; the debtors' gaol is not yet built, and the debtors are therefore confined in part of the gaol intended for criminals.

There are separate compartments in this prison, and a classification of prisoners?—Yes.

How many compartments are there?—There are seven arcades or divisions, but five of these are at present allotted for criminals, one being allotted for debtors, and the other being the sick ward or infirmary.

How many cells are there?—There are at present 48 cells allotted for criminals, and 38 of these cells can easily contain two prisoners. There is a day room attached to each of the wards. The other 10 cells, I think, may contain four each, instead of three, as stated in my return. So that altogether, at present, I think 116 criminals may be confined in the

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Calton gaol. There are 10 cells of these night cells at present allotted for the debtors. These 10 cells could contain other 40, so that if the debtors' gaol were removed, and the debtors removed, the Calton gaol might contain 156 criminals instead of 136, as stated in my return.

There are infirmaries attached to it?—There are.

And privies?—There is a privy attached to each day room.

Suppose the debtors provided for, would the criminal provision be sufficient for the purpose of the city of Edinburgh?—I think, that if the debtors' gaol was built, the Calton gaol would be sufficient for all the criminals committed there for trial, or for punishment, in consequence of a sentence, either of the justiciary, the magistrates, or of the sheriff of Edinburgh; for the Calton gaol will contain 156 criminals, whereas the greatest number of criminals, at one time, in 1825, in the Calton and Canongate gaols, was only 123. The greatest number in the Calton at one time, being 118, and the greatest number in Canongate being 5. I do not include in this calculation the prisoners committed to the gaols of Dalkeith and Musselburgh, as no criminal prisoner is kept in either of those gaols for more than two or three nights; and the offenders sent to each of those gaols, are chiefly those accused of riot and petty misdemeanors.

Is the lock-up-house part of the gaol?—A branch of the Calton gaol. It is situate in the vicinity of the courts.

What description of prisoners are generally confined there?—Chiefly prisoners sent from the police court, or prisoners during precognition or investigation before the sheriff, preparatory to trial, before they are fully committed for trial. Prisoners sentenced to be executed are also brought over to the lock-up house, the night before execution.

Does the gaoler reside in both these prisons?—He does.

What description of house is the Bridewell?—It is a house of correction. It was built in consequence of an Act of Parliament in 1791. It was constructed upon what at the time was held to be a very perfect plan; but the opinion as to the proper construction of gaols has been completely altered since that time.

Is it now considered perfect or defective?—Very defective. There were two principal defects in the original construction of it. [*This is a section of it.*] There is a tower from which the keeper could see into all the cells, but then the prisoners at the same time saw from one cell into the other, and could talk and communicate with each other. That defect was remedied about five years ago, by a species of blinds put upon the stauncheons of the front working cells. These blinds are of strong plate iron, in leaves of eight inches broad, and are rivetted to the inside of each of the bars of iron. They do not prevent the keeper's view, but they prevent the prisoner's seeing, except when they are in a cell directly opposite to each other.

Does it prevent them speaking to each other?—It prevents them in a great measure from speaking to each other in the day time. The other defect consists in the position of the doors and windows of the night cells. The doors of the night cells are quite close to one another, and the windows of two cells, are in a manner one window.

What is the defect of that?—The prisoners are locked up in these night cells, and can speak to each other.

These are the defects of the construction of the building; is the outer wall sufficient?—The outer walls of the airing ground are not sufficient, but the walls of the building are sufficient.

Is this prison defective in point of classification; are the means of classification sufficient?—The great defect of it is, the opportunity which they have of conversing with each other, and the prisoners cannot properly be kept in solitary confinement.

Independent of solitary confinement, may the prisoners be so classed, as that due order may be maintained, and morality preserved among the prisoners?—Yes, and such classification is observed as far as it is practicable, but bridewell is often over crowded.

Are other means afforded by the bridewell of Edinburgh, for a classification of that description?—None.

Then the only provision contemplated for preventing an improper communication, is that by solitary confinement?—That each person should be confined in a solitary cell. The provision of the statute was, that the prisoners should be kept as much separate as possible from each other; that they should work in the day rooms, and be kept in the cells at night.

There are more night cells than day cells?—Yes, the number is stated in the return. There are 52 day cells, and 132 sleeping cells.

Was it then contemplated, that in the day cells they should not be kept separate?—In the day cells they might be together, those who were of the same class.

Is there sufficient provision for not uniting them in the day time, except under a proper system of classification?—There is no sufficient provision.

Have you occasion practically to know the effects of this; and have the courts of justice complained of the results arising from the communication of prisoners?—The courts of justice have complained of it, for the prison has often been over crowded, especially in consequence of the number of prisoners sent from the police office.

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Is it your opinion, that committals to bridewell have been prejudicial to the morals of the persons committed there?—I suspect they have.

Has the treadmill been introduced?—The treadmill was introduced about five years ago by the recommendation of the directors of the Prison Discipline Society. Machinery for making corks was also purchased by the commissioners of bridewell, the machinery to be worked by the treadmill. It was tried for some time, but not found to answer and given up, and the treadmill goes on without being applied to any profitable purpose.

Has the use of the treadmill been of advantage in reforming the prisoners?—I do not think it has, but it may not have had a fair trial on account of bridewell being generally over crowded.

Is it your opinion, that in general the bridewell of Edinburgh is too much crowded?—Certainly it is.

And in consequence of that, you cannot classify the prisoners as you would wish?—Certainly.

Are you acquainted with the prison built for the reception of French prisoners at Perth?—I have seen it, but I cannot speak distinctly about it.

You do not happen to know how many prisoners it could contain?—I do not recollect now.

Does it consist with your knowledge, that persons once committed to bridewell are apt to return there?—They are very often sent back there again. They continue their evil courses. They associate with bad acquaintances in bridewell.

Is it not true, that the keeper of bridewell comes pretty well to know who are his principal visitors?—He certainly does so, and marks how often they come back. Whenever such a prisoner has been with him before, he puts a number to his name, according to the time.

Have you known instances of the same prisoners being committed many times?—It is from the police court chiefly; I cannot speak to that.

Do you not consider, that a prisoner confined in bridewell, for his first offence, if he is confined there for 60 days, runs the risk of having his morals completely ruined?—He does so.

Do you think that if bridewell or other prisons were sufficiently large to have these prisoners confined in solitary cells, that their morals would stand a much better chance of being amended, than at present?—I always have been of that opinion; and I am particularly of it, after having seen the Glasgow prison, of which I will speak afterwards, when I come to be examined on that point.

Is there any instruction of any sort, in the gaol of Edinburgh, or bridewell?—In the Calton gaol there is a chaplain, who performs divine service every day, and a schoolmaster, who attends two hours every day. There is a chaplain who attends on Sundays and Wednesdays in bridewell, for the performance of divine service; he visits occasionally at other times. The schoolmaster attends for two hours daily, except on Sundays; and there is a pious person who also usually gives the prisoners religious exhortation and prayer every Sunday morning, previous to the attendance of the chaplain.

Is it voluntary?—Voluntary.

Does the schoolmaster have the prisoners together, or where does he instruct them?—In the gaol he has them together. In the bridewell he has five or six of them together.

Does your return show the number of debtors imprisoned in the tolbooth of Edinburgh, in 1825?—This is shown by the note given in by me to-day.

The other gaols in Edinburgh are all contained in your report?—They are all contained in the return.

Jovis, 20° *die Aprilis*, 1826.

THE LORD ADVOCATE OF SCOTLAND,

IN THE CHAIR.

Adam Duff, Esquire, again called in; and Examined.

20 April, 1826.

HAVE you any thing to add to or explain in your former evidence?—I have not yet looked sufficiently into my evidence; but I have some further particulars to state with respect to Edinburgh bridewell, which I did not sufficiently explain when I was examined on Tuesday last. There are five flats or stories in the Edinburgh bridewell. The two lowest are allotted for male prisoners, the two next for female prisoners, and the hospital or infirmary ward occupies the fifth. There are 52 day-cells and 132 night-cells; and as some of the night cells are often turned into day cells, by removing the bedding out of them, the bridewell may easily contain about 100 prisoners, classified in the terms of the Act of Parliament, 31 Geo. 3d. cap. 57, which directs that the prisoners shall be kept as separate and apart from each other during the day, as the nature of their several employments will permit, and always separate during the night. These different cells will afford a day-room and a night cell to each of 92 prisoners; but there are four females engaged as ward-assistants, two in each of the female wards. There are three or four often employed in the kitchen and in washing, and there are some generally in the hospital or infirmary ward; and

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on this account the bridewell will be sufficient to afford both a day and night cell to about 100; but it is often over crowded. Thus, the average daily number of prisoners was, in 1816, two hundred and seven; in 1817, two hundred and twenty-eight; in 1818, one hundred and ninety-eight; in 1819, two hundred and fourteen; in 1820, one hundred and sixty-eight; in 1821, one hundred and eighty-five; in 1822, one hundred and ninety-four; in 1823, one hundred and ninety-two; in 1824, one hundred and seventy-three; and, in 1825, one hundred and fifty-five. So that it was utterly impossible that the separation contemplated by the statute could be observed. The greatest number, at any time in bridewell, during these ten years was, in September 1817, when there were 323; so that no separation or classification could be observed, and the prisoners could not be prevented from having intercourse and communication with each other. The number of committals to bridewell has of late diminished. Thus, in the last year, the average was only 155; and the greatest number committed in bridewell, at any time, was 205; about 118 below the greatest number in 1817. I visited bridewell twice lately, viz. on the 25th March and on the 7th inst. At the former time there were 90 prisoners, 42 males and 48 females. Of this 90 there were in the hospital 8; women engaged in the kitchen and wash-house, 4; the ward assistant women, not fixed to any day cell, 4; men in the treadmill, in two cells, 12; 6 in each cell. In the chapel, superintending the treadmill, 1; working at junk or oakum, in one cell, 2; engaged in receiving instruction in weaving, in two cells, 4; in separate day cells, 43; in night cells, turned into day cells by the removing of the bedding, 12. On the 7th inst. when I visited bridewell again, there were only 85 prisoners, and a similar classification was observed; but, in general, the numbers in bridewell are such as not to permit any proper classification; and I am of opinion that, instead of classification, solitary confinement, as contemplated by the statute, ought to be observed in bridewells or houses of correction.

Do you mean solitary confinment accompanied with work?—Accompanied with work. The commissioners for bridewell have done as much as they could to procure proper work. I mentioned formerly their having procured tread-wheels, and in the course of last spring they were informed of the introduction in Glasgow bridewell, of a species of weaving, by what are called Dandy Looms, which was represented as particularly suited for imparting instruction to persons previously ignorant of the art of weaving. The committee accordingly procured two or three dandy looms from Glasgow, and have had them under trial since August last. In December last they engaged a superintendant, bred under the eye of the superintendant of the Glasgow bridewell. This superintendant has since taken the charge of the dandy loom establishment; but the stagnation of trade, occasioned by the recent commercial embarrassment, has hitherto prevented the work from being increased to the extent expected by the commissioners. I have stated, that bridewell is often overcrowded; but I am of opinion that this will be in a great degree remedied, if the Police Bill, now before Parliament, should be passed; for the provisions of the bill are drawn for the purpose of preventing the same person being punished in the police court for any other than small offences, and for such offences only for a third time. Hardened offenders will then be tried either before the court of justiciary, the sheriff or the magistrates of Edinburgh; and thus contagion among prisoners by the bad example of hardened offenders, may be in some degree prevented.

You have mentioned the county of Edinburgh, have you had occasion recently to inspect some other prisons, and what was the first you inspected?—I first inspected the lock-up-house as it is called, at Queen's Ferry.

Is there no regular burgh gaol in Queen's Ferry?—No.

Then this is the only burgh gaol of the town?—The only gaol in the town; it is merely a lock-up-house. During the last three years, this lock-up-house has only been used for the confinement of rioters and intoxicated persons for a night. No other person has been imprisoned in this place during the last three years. Previously to the last three years, criminals had been occasionally confined in this lock-up-house for two or three nights, before they were sent to Linlithgow. It is fifteen feet by thirteen; only six foot nine inches in height; there is a fire place, and but one window. The air is only admitted by a small aperture in the door.

You have no information as to how the magistrates of the burgh at Queen's Ferry, deal with their prisoners?—No, I have none.

Was it a secure place?—It is secure enough, but there is a want of air, and the provost said it was only used for the confinement of rioters.

You saw Linlithgow?—I saw Linlithgow, and as the return is there, I will merely make a few observations on it.

Describe generally what sort of a prison it is?—It will only hold 14 criminals, and 4 debtors.

How many apartments are there?—There are four apartments for criminals. There are two cells mentioned in the return, which may each contain two prisoners. They are both paved or flagged. In the one there is a small aperture for light or air. The other had one, but it is now shut up, the county room being built behind the prison. The western apartment will contain six criminals, and the eastern one four.

What size are they?—These two apartments last mentioned, are about 14 feet high. Each of them has a large window and fire-place. These two apartments are in addition to the two cells.

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Is there an airing ground?—There is no airing ground. The magistrates said they intended to make different alterations in the prison, and in particular to have an airing ground.

What sort of place did it appear to you to be?—A very bad prison.

Are any necessaries attached to it?—There are none. The debtors gaol is on the third floor in an out-building behind the prison, unconnected. It may accommodate four, but I think if there were more in it, it would be very over crowded. The gaoler lives in a small apartment under the debtors prison, and behind the western apartment for criminals. He has a loop-hole in his apartment, from which he has a view of the door, the window, and almost the whole of the western apartment for criminals, but he can know nothing of what the prisoners may be doing in any of the other three apartments allotted for prisoners.

If prisoners are ill, can they communicate with them?—No, they cannot, except from the western apartment, or from the debtors apartment.

Had you occasion to see this gaoler?—The gaoler had been dismissed shortly before I was there, and there was another gaoler appointed under trial.

Was you aware that the gaoler who was dismissed was blind?—I was told so.

Did you hear how long he had been blind?—No, I did not; I was told he had been dismissed.

Do you know how much this gaoler was paid?—No, I do not.

In general it is a poor salary, is it not?—I believe you will find the salaries of gaolers specified in the returns from the boroughs, and, therefore, knowing it was in a Parliamentary document already, I did not make any special inquiry about it. Perhaps I ought to have done so.

This place does not admit of any employment?—No employment.

Will you state what other prisons you visited?—I next visited the gaol of Stirling. It contains six apartments for criminals.

Stirling is a town where the circuit court of justiciary sits for the counties of Stirling, Kinross and Clackmannan?—Yes, it is.

Consequently prisoners from these counties are brought to Stirling, previous to trial?—Previous to trial.

Are you aware that by statute 55 Geo. 3, c. 109, the magistrates of Stirling are bound to receive in their gaol all the prisoners of the county of Clackmannan, which has no gaol of its own?—No, I am not aware of that.

What sort of prison is it?—It contains six apartments for criminals; but two of these are large garret rooms, and are very insecure; four apartments for debtors, and four small cells under the level of the street. It appeared to me to be a bad and insecure gaol; and I was informed, that during the last five years, criminals had effected their escape four different times; and at other times they had been nearly succeeding when they were detected in their attempt. The insecurity of the gaol appeared to me to arise chiefly from the two following causes:—First, there are no proper apartments within the gaol for the gaoler and his assistants. There is indeed an apartment for the gaoler, but it is below one of the apartments allotted for the debtors; and therefore, though an extra keeper remains in this apartment all night, the criminals may be taking measures to effect their escape, without this assistant knowing any thing of what is going on in the criminal cells. Secondly, prisoners confined in the two upper apartments can easily break through the roof of the gaol, and thus let themselves down on the roofs of some of the adjoining houses. The rooms in the gaol can easily accommodate more than thirty prisoners; but on account of there being no proper apartment for the gaoler or his assistants, so that they might know if the debtors were making any attempt to escape during the night, it is not advisable there should be more than three or four in one apartment at night, especially as the walls are weak. There is at present a gaoler aud two regular assistants. There is also an extra keeper, to watch the prisoners during the day, and another extra man to watch during the night, who remains at night in the apartment already mentioned. There is no clergyman or schoolmaster who attends this gaol; and there is no privy attached to the gaol.

I believe from the return, that at one time this gaol contained, in 1825, fifty-one prisoners; did it appear to you the prison was capable of containing that number?—It did not.

Must not the prisoners have suffered great hardship, amounting to that number?—I should think they must.

Did you visit any other prison?—I visited the gaol at Glasgow.

In what state did you find that?—There are eight day rooms for male prisoners, and fifty sleeping cells, which are connected with these day-rooms, and enter off the passages leading to the different day-rooms. The prisoners have the use of a day-room, and the passage, during the day time. These night cells are dark and ill-ventilated. When I visited the gaol, there were 108 criminal prisoners in it; viz. 84 males and 24 females; of these there were 4 males and 7 females under sentence of imprisonment; 74 males and 17 females imprisoned previously to trial, and 6 male deserters. In some of the day-rooms there were 11 males; but

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but I was informed by the sheriff and gaoler, that previously to a circuit court (for the circuit courts of the counties of Lanark, Renfrew and Dumbarton, are held at Glasgow), the gaol is so crowded, that it is necessary to have from 12 to 18 prisoners in each of these day-rooms; the vicious, in every stage of delinquency, being thus promiscuously mixed together. The accommodation for female prisoners is very bad, there being only one day-room and one night room, for all the female criminal prisoners. The day-room is about 19 feet by 15, and the sleeping-room is a little larger. I was informed that 30 female prisoners have been confined in this apartment. There are four apartments for prisoners under sentence of death; two of them connected with each other. The inner apartment is for the prisoner to sleep in. When any person comes to visit the prisoner, the visitor is in the outer apartment, and can converse through a grating with the prisoner, who remains in the inner room. The inner room is perfectly secure, as it is lined with iron.

Is there no yard or airing ground?—There are two airing grounds, but they cannot be used, on account of their communicating with doors and passages that lead out to the streets.

Are these criminal prisoners?—Criminal prisoners.

Glasgow is likewise a circuit town?—I have mentioned it is a circuit town for the counties of Lanark, Renfrew and Dumbarton.

Prisoners from these counties are all brought to this prison previously to trial?—Previously to trial.

Upon the whole, did it appear to you this was a prison fit for its purpose?—It was not provided with such accommodation as could admit of the proper classification of prisoners. The gaoler appeared a very intelligent, active man, and anxious for the prisoners being classified as much as possible. He complained very much of there being no mode of employing the prisoners in work. The debtors apartments appeared very good. There is a clergyman who attends every Sunday, and twice or thrice during the week. A school-master attends every day, from three to four hours.

Were you in the chapel?—Yes, I was.

Is service performed in the chapel?—Service is now performed in the chapel. This has only been done within these three or four years, for originally there were no divisons in the chapel; but about four years ago, they put divisions, so that the prisoners from each of the different day-rooms could be separately conveyed into these divisions, the prisoners from two day-rooms being put into one division. The gaoler resides in the gaol, and there is a privy on each floor, both for the debtors and male criminals. I also visited the Glasgow bridewell.

That is a recent building?—Yes, I beg leave to produce a plan of it, and a copy of the last report of the committee.

You understood the gaol to be erected and maintained by the burgh?—Yes.

Do you understand by whom this bridewell is to be maintained?—The bridewell is erected by an assessment on the county at large; but it is maintained by an assessment on the city of Glasgow, and the lower ward of the county.

By whom is it regulated?—It is regulated by Parliamentary commissioners appointed under an Act of Parliament passed in 1822.

These persons appoint the gaoler?—I understand they do.

Describe it?—The whole building of the bridewell is not yet built. The rotundo and two wings are however built. The rotundo consists of three stories. The first contains a clerk's office, committee rooms, large public kitchen, &c. The second the governor's house, consisting of eight apartments. The third story consists of a large apartment about 40 feet in diameter, used as a store room, and a small room adjoining, at present used by the surgeon. From this rotundo, the governor has a view of all the passages in the two wings lately built; and he will have a similar view in the two wings intended to be built. The east and west wings are allotted for male prisoners, and consist of four stories each, and each of these wings contains 80 cells. The cells being about 9 feet by 7, and 10 feet high. The floors are paved with flags, and the windows are placed so as to admit a sufficient quantity of light and air; while at the same time the prisoners are prevented from seeing any object without, and no person can see them in their cells. Each story is separated into two divisions, by a wall, and each of these divisions contain a water closet, a trough in which the prisoners may wash themselves, and a cell with a fire place, for such prisoners as may require it. The building appears well adapted for the purpose for which it was built. The male prisoners are completely separated from each other in the solitary cells. The prisoners are allowed to walk in the passage connected with their cells, for a certain part of the day, but only one at a time, the others being locked in their cells. The whole of the main building of the old bridewell is now allotted exclusively to females. The east wing of the main bridewell was formerly divided into only three apartments; but the commissioners of the Glasgow bridewell were justly of opinion, that from there being constantly 10 or 12 females in each of these apartments, the building was more calculated to corrupt than to reform the prisoners. They have therefore divided this wing into 15 apartments, separated by a brick partition. In some of these apartments there is a thread-mill, and the governor is enabled to carry forward the classification which is necessary.

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Have you examined any other prison?—No, I have not.

Are there other accommodations connected with the Glasgow gaol, besides the prison for debtors and criminals?—There is a chapel, and there is a room for the courts of justice, and offices for the gaoler.

Is there for the town clerk?—I am not certain of that.

Has a good deal been laid out in ornaments?—Yes, about the court room, and the east side of it.

The accommodation for prisoners, you say, is very limited?—By no means sufficient.

From what you know of the state of the prisons in Scotland generally, does it appear to you that some legislative provision is necessary, in order to improve their condition?—I am decidedly of opinion that some legislative provision is necessary, and I am inclined to think that there should be three different kinds of gaols; district gaols, county gaols and lock-up houses. The first class are district gaols; one of these should be built at Edinburgh, for the three counties of Edinburgh, Linlithgow and Haddington; and I think there ought to be one at each of the circuit towns. These should be houses of correction, built on the plan of the Glasgow bridewell, or on some similar plan.

That is to say, houses of correction connected with the gaol?—To save expense of superintending and management, it might be as well that they should be attached to, or form part, either of the county gaol, or of the bridewell of the town, where the district prison is erected. I think these district prisons should be destined for two different sets of prisoners; first, prisoners convicted in the Court of Justiciary, or by the sheriffs or magistrates of the boroughs within the district; the power of sending to this district gaol, to be optional with the sheriffs or magistrates, as some offenders might be sentenced to a short period of imprisonment for three or four weeks, which might render it inexpedient to remove them from the gaol of the city or burgh, to the district prison. Secondly I think that prisoners who are to be tried at the Circuit Court of Justiciary, might be removed to the district prison, on application being either made by the Lord Advocate, to the Court of Justiciary for such removal, or a notice being sent by the crown agent to the sheriffs; but this last measure could not be adopted without a legislative provision being made to that effect. I think it is proper too, that these prisoners before trial, should be employed in work in the district gaols, but perhaps some legislative provision may be necessary for that purpose, and the work might be voluntary; for I am satisfied it would be a great good to employ all prisoners in work, as it would prevent the idle habits which imprisonment engenders.

Does Mr. Duff mean merely to include in these district prisons, prisoners before trial, before the Court of Justiciary, and those sentenced by the court to the punishment of imprisonment?—Or by the sheriffs or magistrates of burghs. I have stated that sheriffs and magistrates of boroughs, should have the power of sending offenders to this prison, when under sentence of imprisonment.

You do not propose it should comprehend any debtors?—No.

Why?—I think they had better be imprisoned near their own residence. They have then the accommodation of being visited and supported by their own families.

Would not the responsibility of magistrates for debtors oppose an obstacle?—It certainly does; the liability now lies on the magistrates of the burghs, and I do not see upon what other officer you could place it.

In the event of its being deemed expedient that district prisons should comprehend debtors, in what way does it appear to the witness that responsibility could be met?—The responsibility to remain with the magistrates, and the magistrates to have the power of appointing a separate gaoler to look after the debtors, if they were not satisfied with the gaoler appointed by the sheriffs of the district; for I think the appointment of gaoler for these district prisons, should either be in the sheriffs of the district, or in the sheriff of the county in which the district prison is built.

Will you state to the Committee the form of proceeding by which the debtor is imprisoned in Scotland; does he receive a charge in the decree?—He receives a charge on the decree or document of debt charging him to pay.

What name does that bear?—A charge of horning.

What does it require him to do?—It requires him to pay the debt within a certain time, otherwise he will be imprisoned.

Do you remember the length of time?—Fifteen days, unless the debtor reside in Orkney or Shetland, when the debtor is allowed forty days; or when the charge is on a bill, and the debtor resides south of the Dee, in which case he is only allowed six days.

At the conclusion of these days, what happens then?—If he does not pay within the days of the charge, another writ or letters of caption are issued. Under these letters he is apprehended by a messenger, and committed by the messenger to the next sure gaol.

Are you aware that, in consequence of this proceeding, debts are frequently paid or arranged prior to imprisonment, so that the number of debtors committed to prison is comparatively small?—I have no information upon that point.

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In what way does a person get out of prison?—He gets out of prison by applying for a *cessio bonorum.*

How long must he be in prison before he can apply for that?—He must have been a month in prison before he can apply for it; and the application is carried on in the Court of Session.

The process of *cessio* means an action before the Court of Session, in which all his creditors are summoned, and in which it is incumbent on him to show his losses have arisen from innocent misfortunes; and he is ordered to be set at liberty by the court, on his executing a disposition conveying to his creditors all his goods and effects?—Yes.

And making oath that such disposition does contain all his goods and effects?—Yes.

Have you reason to know that, in consequence of this proceeding, few debtors are detained for a great length of time in prison in Scotland?—I believe they are not detained for any length of time, except those who do not succeed in getting the *cessio,* or who do not apply for it, on account of its being doubtful if they would obtain it.

And the instances of lengthened imprisonment for debt in Scotland are rare?—Very rare; for sometimes the court, upon a second or third application, grants the *cessio,* which was refused on the first, being of opinion the debtor had been long enough in prison.

The Act of Grace, also, which you before described, tends to shorten imprisonment?—Yes; imprisonment is also shortened by the Act of Grace which I described yesterday.

In the event of district prisons being thought expedient, in what way could the expense of erecting them be defrayed?—This is a very difficult question. Some burghs are still rich, and should contribute out of their funds part of the expense of building and maintaining the district prison. In such cases, the rest of the expense, and, in other cases, where burghs had no funds, the whole of the expense would require to be raised by an assessment on the counties on burghs within the district. There would be great difference of opinion as to the mode in which this assessment should be raised. I believe the best mode would be to adopt, as nearly as possible, the assessment, which, in terms of the statute 3 Geo. IV. cap. 33, falls to be imposed for the recovery of damages occasioned by riotous and tumultuous assemblies; that is, an assessment upon the land, according to the valued rent, and upon houses, whether within or without the burgh, according to the actual or real rent of the houses. The assessment to be paid by the occupiers of land and houses respectively, is, that for every shilling levied in respect of the valued rent, there shall be levied 1 *d.* in the pound for and in respect of the actual rent of such houses. This mode of assessment may be liable to objection; but it is more equitable than the land tax or cess, levied according to the valuation of land in 1660, and confirmed by the convention of the States in Scotland in 1667; and by statute 1670, cap. 3. The burden of erecting and maintaining prisons, now that the burghs are unable to bear this expense, ought to be held a tax on all classes of the community. An assessment imposed like the land-tax or cess, bears solely on the land, and does not reach burghs of barony and large villages.

That is the mode in which you think the prison should be erected; how do you think it ought to be kept in repair?—In the same manner.

By whom would you propose that such district prison should be regulated?—I think it should be regulated by the sheriffs of the district; the regulations framed by them to be subject to the revisal and approbation of the Lords of Justiciary. The gaoler to be appointed either by the sheriffs of the district, or by the sheriff of the county where the prison is situate; and the salary of the gaoler, and all expenses of the establishment, except the aliment of prisoners, to be paid out of the assessment already mentioned. I have proposed, that the expense of building and maintaining the prison, and the expense of the establishment, should not be defrayed by the cess or land-tax exclusively, because since the valuation in 1660, some lands have been feued at high feu duties, thriving manufacturing villages have been built in others, and even of lands remaining in a state of agriculture or pasture, some have risen much more than others. The cess, or land-tax, answers very well for the land-tax, or similar burdens, for lands are bought and sold under the deduction of the land-tax; but it is an inequitable mode of assessment for other burdens which ought to be laid on the community at large.

These district prisons would not answer every purpose I presume, connected with criminals?—No. I am also of opinion, that in each county there should be a county gaol, for the confinement of prisoners during precognition or investigation of the offence charged against them; and also for the confinement of such offenders as the sheriff or magistrate, on account of the short period of imprisonment, may order to be confined in the county gaol.

Do you mean by the magistrate, the magistrates of the particular burgh, or the magistrates of the burghs of the county?—The magistrates of the burghs of the county.

That is meant to apply to criminal prisoners solely?—Solely, criminal prisoners on criminal warrants.

You do not mean that prisoners for civil debts in the county should be put into the county prison?—No; I think they should remain in the nearest sure gaol to their own residence,

residence, for it would be a hardship on debtors to be removed far from their families, their families often carrying things to them, and going and cooking their victuals.

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As the law now stands, the prisoner must be sent to the next sure gaol?—The next sure gaol.

Then you think it would be less hardship on the prisoners to be confined in these gaols, bad as they are, than to be sent to a distance, even as far as regards imprisonment?—Even as far as regards imprisonment. Some of the burghs may be unable to bear the expense of having proper gaols for debtors, and it may be unnecessary to keep up gaols in all the burghs, some of which are very near each other; and on this account, I propose it should be left to the convention of burghs to tax the burghs in which debtors gaols should be built, and the proportion in which the expense should be borne by the different burghs for whom one gaol is to be built; the determination of the commissioners to be subject to the approbation of Parliament.

Would not the same difficulties occur as to the responsibility of the magistrates for debt, in that case?—There would be a doubt there; but then some of these burghs are unable to bear the expense of having even a debtors' gaol in their town.

If a good gaol was built in each of these divisions, there would be the less risk?—Yes; if there was a good gaol, and a proper gaoler appointed, the liability of escape would be diminished.

Then is it your opinion that the gaols in these other burghs should be left in their present state without alteration?—I think that in burghs there should be a gaol, which would answer as a gaol for debtors, and also as a lock-up house for rioters or criminals guilty of riots, and for detaining any other offender for a day, or until he should be transmitted to the county gaol to have the charge against him investigated; and I also think it would be useful that some counties should have the power of building local gaols or lock-up houses for detaining rioters, or for detaining persons for a day or two.

You mean, that in all these local gaols no prisoner should be committed for trial or in execution?—Solely until he can be sent to the sheriff to have his case investigated.

You mean strictly lock-up houses?—Strictly lock-up houses. This is particularly necessary in large counties, such as Perth, Aberdeen, and Inverness, where the main county town is at a great distance from other parts. These lock-up houses should be built by assessment over the county, except those burghs who are keeping lock-up houses of their own. It would be unfair to make them pay for any other lock-up house when they have one for themselves.

In the course of criminal investigation, it is necessary the prisoner should be near the magistrate who is investigating the offence?—It is absolutely necessary.

In the form of criminal proceedings in Scotland, is the first step to examine the prisoner?—It is among the first. Sometimes a charge is given against a prisoner before he is apprehended, and witnesses in that case are first examined.

In general as soon as the prisoner is apprehended he is examined?—In general.

What warrant is granted after the examination; what is the first warrant?—A warrant to commit him for further examination.

He remains under that warrant till he is examined again?—Till he is examined again, and till the sheriff considers the whole investigation concluded, on which the sheriff grants a warrant, committing the prisoner to be liberated in due course of law, which means, the prisoner being liberated by trial, or his case being deserted.

Until the second warrant is granted, it is necessary he should remain near the magistrate?—Yes, it is; and, therefore, on that account, I think there should be a county gaol independent of the district gaols.

Subsequent to the warrant, it matters not whether he is near the magistrate who committed or not?—Subsequent to the warrant it is of no consequence; I think that after the warrant it would be much better he was removed to a district gaol, because the county gaols might, on that account, be smaller than what otherwise would be requisite.

Does it not sometimes happen the prisoner is committed for trial before the investigation by way of precognition is concluded?—Very seldom.

But it is quite competent?—It is quite competent, but it very seldom happens.

When the investigation is likely to be tedious, a magistrate will use his discretion to give the prisoner the benefit of the Act of 1701?—It is the duty of the magistrate to do so when the investigation is likely to be tedious.

In what way would you propose these county gaols should be built?—With regard to the expense of building and maintaining these county gaols, I am afraid, that in cases where the present county gaol is bad, and the burghs unable to bear the expense of building a proper gaol, that the county gaol must be built and maintained by a general county assessment, similar to that already proposed for the building and maintaining of district prisons. In this case the appointment of the gaoler, and the management of the gaol, should be with the sheriff depute and convener of the county, two justices, and three magistrates of the burgh

Adam Duff, *Esq.*

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burgh where the gaol was built; any regulations made by them to be subject to the revisal and approbation of the Lords of Justiciary. Some burghs have sufficient funds for building a county gaol, and may not much object to the expense of so doing, as they will require a debtor's gaol, which may be connected with the felons gaol for the county. In this case, the gaoler to be appointed by the magistrates; but I think he ought to be liable to be dismissed either by the magistrates or by the sheriff, if the sheriff saw cause. Regulations to be framed by the magistrates and sheriffs, subject to the revisal and approbation of the Lords of Justiciary.

How do you propose the prisoners should be alimented?—I think that the aliment of prisoners before trial, and of those sentenced to be confined for a short period in the county gaol, should be defrayed by the burgh or county, according as the offence has been committed within or without the burgh; in the former case to be paid out of the burgh funds, and in the latter case by a county assessment, similar to that already mentioned. But I am of opinion that the aliment of prisoners after conviction should fall on the crown; for as I stated yesterday, the crown receives the fines and escheats of delinquents, except the fines imposed by the burgh magistrates; and further according to the principle of the law of Scotland, the punishment of crime is considered as one of the rights and duties of the crown. The crown as the executive power of the state, is bound to protect the public and to enforce the law. The crown has the power of prosecuting all crimes, such prosecution being carried on in the name of the crown officers. When a criminal is tried at the instance of the public prosecutor, (and in Scotland there are few instances of prosecution, at the instance of private parties,) the sentence or conviction is the granting of the prosecutor's demand. The criminal, after sentence, is the king's prisoner. If confined, he is confined by the crown, because the crown has the power to liberate, or to dismiss him, it being the privilege of the crown, either to enforce a sentence, or to mitigate the punishment, or altogether to dispense with it.

Has not the crown generally this power in England?—Certainly, but then in England, a great number of prosecutions are carried on in *qui tam* actions.

Does the crown now maintain the prisoners in Scotland?—It did in two or three counties, it does not now after the late decision, in the case of Ramsay, as I mentioned yesterday. I have stated already that prisoners should be kept at work in these district prisons; and I am of opinion that the receipts arising from their work should be chiefly applied to defray the expense of aliment, but I think a certain proportion of these receipts should be appropriated for the expense of the establishment, viz. the salary of the gaoler and his turnkeys, the chaplain, surgeon, and other officers. In this manner those who have the charge of the prisoners, will have an interest that a proper system of work should be established and carried on in the prison. Perhaps three-fourths of the clear receipts of the work should be appropriated for paying the aliment, and one-fourth the expense of the establishment.

Should not some provision be made for moral instruction?—Certainly.

How do you propose the expense should be defrayed?—That should be part of the general expense of the establishment, and should be paid by the district rate. I mentioned that all expenses, except the expense of aliment, should be paid out of the district rate.

Do you not think that if a man is industrious, a certain portion of the profit made by that industry, should be assigned as a fund for him when he is released from prison?—Yes, certainly; either the whole of the profit, after taking the expense of his maintenance, or at least, a certain part of the profit. I believe that in Glasgow, the whole profit after deducting the expense of the maintenance, is set apart for the prisoner upon his liberation.

Have you occasion to know whether these profits are considerable in any case in Scotland?—In the Glasgow bridewell, they do more than pay the expense of the aliment. They are also considerable in Edinburgh, but they go there to help to defray the expense of the establishment.

Then in Glasgow, are they only sufficient to defray the expense of the aliment?—They are more than sufficient for that.

Does it appear what was paid to the prisoners for surplus earnings?—334 *l.* 11 *s.* 1 *d.* cash paid prisoners for surplus earnings.

Is not Glasgow particularly advantageously situated?—It is, for it is a manufacturing town. There is a great demand for every kind of work, and also most of those in prison have some knowledge of the work before they are imprisoned.

In Edinburgh is the profit there considerably beyond the maintenance?—The maintenance there is defrayed either by the magistrates of the town or country who have committed the prisoner. After deducting the expense of the aliment, one third of the clear earnings is given to the prisoner upon his liberation; a third on six months after his liberation, and another third on twelve months, if he has behaved well during the time; but these two last are seldom applied for.

In point of fact, do you know the earnings amount to any considerable sum?—I cannot speak exactly; but as far as I recollect, the amount of earnings is about 400*l.* a year in Edinburgh.

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Beyond the sum of alimenting the prisoners?—I do not exactly know whether it is beyond the expense of alimenting as paid by the committer; but there is a profit of 4 or 500 *l.* gained by them.

In the former part of witness's examination, he has alluded to the depôt at Perth; as a general penitentiary, would that depôt answer for prisoners prior to trial?—It certainly would not.

Would it answer for prisoners under capital sentence?—It certainly would not, except when they were to be executed at Perth, or in an adjoining county.

Is it necessary for prisoners under sentence of transportion?—It is not, because those south of the Forth, can be easier sent off from Edinburgh; and they are accordingly so sent off. All those south of the Forth are sent off from Edinburgh, as expeditiously as possible.

Warrants are always granted by the Secretary of State, for their removal, when asked?—Whenever it is asked.

Would such a prison answer for short imprisonment in other districts?—I do not think it would.

Then the only use of such a depôt would be for persons suffering under imprisonment of a considerable duration?—Yes; and each of the counties would have to build a larger gaol for prisoners condemned to short imprisonments, and for prisoners between the time of the finishing of precognition and of trial.

Would not such an establishment be objectionable as an inconvenient exposure of prisoners from different parts of the country?—It would be expensive; and I think the county of Perth might have cause to object to it, on account of the probability of some of the prisoners, after they had been liberated remaining in the neighbourhood, instead of going home.

Then on the whole, you do not consider that would be an expedient arrangement?—I think it would be a very inexpedient arrangement, for it would render larger county gaols necessary: and prisoners, previous to trial, would not be so well regulated in a county gaol as in the district gaols which I have suggested.

I should suppose that in all those counties in the neighbourhood of Perth the number of prisoners committed is very small in comparison to those committed at Edinburgh and the neighbouring district?—Much smaller; I have an opportunity of knowing that, from having been 12 years sheriff of Forfarshire. The prisoners bear no proportion to the Glasgow circuit, or to those tried at Edinburgh.

Have you any thing more to state?—Nothing.

Andrew Murray, Esquire, called in, and Examined.

Andrew Murray, Esq.

20 April, 1826.

YOU are sheriff depute of the county of Aberdeen?—Yes.

You are well acquainted of course with the prisons in that county?—Yes.

What prisons are there?—There is first the old gaol which was the common gaol of the burgh of Aberdeen. There is also a bridewell or house of correction, which was built by the city and by the county jointly.

In the old gaol, what description of prisoners are confined?—At present only criminal prisoners. It is only the remains of the old gaol, part having been taken down for the erection of a new court-house. An Act was obtained last Session, in addition to two former Acts, to enable the city and county to erect a new gaol, jointly. The debtors are confined in one of the floors of the bridewell, which is used as a temporary gaol, under the authority of the Acts of Parliament.

This is only for criminals?—Only for criminals.

Are all the criminals of the county kept there at present?—All of them.

And to that gaol are brought the prisoners of other counties at the time of the assizes?—Of course, they must be.

Can you tell us how many apartments this gaol consists of?—Seven apartments.

Is it quite secure?—It is reckoned pretty secure; but it has been broke once or twice lately.

Is it a commodious prison?—By no means.

In what respect?—The rooms are ill-arranged; there is no means for the classification of prisoners, except in the different apartments; there is no airing-ground.

Any privies?—No.

Does the gaoler reside within the gaol?—No, he does not; there is no accommodation for him.

Is there any moral or religious instruction?—Yes there is regular attendance by a clergyman appointed for the gaol and bridewell.

Andrew Murray, Esq.

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The prisoners are locked up in these rooms, and kept constantly there during the whole time of their confinement?—Yes.

What is the number of prisoners in the gaol?—The greatest number confined during the year 1825, at any one time, was 23 criminals; 19 males and 4 females.

What is the population of Aberdeenshire?—140,000.

Was that a particular small number of prisoners during that year?—No, I do not think it was.

Did that comprehend the prisoners prior to the assizes for the counties of Kincardine and Banff?—It did, as well as those of Aberdeen. It comprehended all prisoners sent for trial at the circuit or assizes, from these two neighbouring counties.

Did that embrace prisoners under excise offences?—No, it did not.

Have you any thing more to state with respect to the state of that particular gaol?—Nothing more, but that an Act of Parliament has been obtained for erecting a new gaol; that the town and county are both sensible of the inadequacy of the gaol accommodation.

The other gaol is a bridewell?—Yes.

Describe the state of that prison?—The building is a parallelogram of four floors, with accommodation for the governor in the lower part of the house; staircases in the back part of the house. There is a chapel for the prisoners, and a sick ward above; and each floor is divided into two wards. There is a passage which runs from one end of the house to the other; and cells on each side of these passages, ventilated from the outside; and the passages also open to the outside, so that air is admitted through the whole house.

Is it a good arrangement?—I reckon it a very good one.

Admitting of classification?—The system is very much solitary confinement; it approaches very near to that, with work; the prisoners having night cells to sleep in, and day cells for working in.

Are there any yards?—There is an area round the house, inclosed with a wall, but no regular airing ground.

It is not used?—It is made a kind of indulgence. The prisoners are brought down on Saturday, or on particular days, and for good behaviour.

Under whose management is the prison?—Parliamentary commissioners; partly from the county and partly from the town: the gaoler is appointed by the commissioners.

The gaoler in the city burgh gaol is of course appointed by the magistrates?—Yes.

Where are the debtors?—In one of the floors of the bridewell.

Are there any privies in the bridewell?—No, there are not; there is one of the cells appropriated for that purpose.

Does the gaoler live in this bridewell?—The governor does.

Do you know his salary?—It is not so large as the Glasgow one, but it is a pretty tolerable salary; I think 100*l.* per annum.

Have you any reason to know he has other employment?—No, he has no other employment.

Where does the gaoler of the burgh gaol reside?—In the town. We have authority from the Act of Parliament to use the bridewell as a temporary gaol.

Have you reason to know the gaoler of the burgh has other occupations besides being a gaoler?—I know he is not reckoned very efficient. He is an old man.

Does he carry on a manufactory, or keep a worsted or hosiery shop?—I am not aware of that. In consequence of an escape, an assistant gaoler was appointed lately; and this man's charge limited to the debtors confined in the bridewell.

Do you know exactly the time it is opened?—I have the printed regulations, which prescribe the hours, which may be referred to, if necessary.

Do you say this is a mere temporary arrangement?—A mere temporary arrangement; the plan has been fixed upon for a new gaol, and it would have been contracted for by this time, had it not been for the proceedings of this Committee.

Is the prison of the bridewell declared a legal gaol?—The Act of Parliament authorizing the erection of a new gaol, allows the use of the bridewell, as a temporary prison for the burgh.

Will you mention the other prisons in the county of Aberdeen, and in what state they are?—There are two small royal burghs in the county, Kintore and Inverury. There are very few inhabitants in them; they are smaller than ordinary parishes, one of them, Kintore, has a prison, consisting of one cell; Inverury has two cells. There is an outer cell about the size of the one at Kintore, which is 8 feet by 15 or 16 feet, and a small inner cell.

Have

Andrew Murray, Esq.

20 April, 1826.

Have you had occasion to see any other prisons in Scotland lately?—Yes, I have.

Will you mention them?—By the direction of the chairman of this Committee, I visited Bervie, in the county of Kincardine, a small royal burgh. The prison consists of two apartments or cells, under the management of the magistrates, and the care of the town officers.

Are they secure?—One of the apartments is paved with stones, the other is floored with wood; the last is not very secure, but both are in tolerable good order.

Is there a gaoler?—No regular gaoler. The town officers take charge when there is a commitment. There were no prisoners. There had not been any regular commitment for a great number of years; and it was only used as a lock-up-house, in case of need, at a fair or market.

What was the next prison?—Stoneham; it is the county town of Kincardine, but is not a royal burgh. The gaol is a county gaol, and also registered in the sheriffs books as a borough of barony gaol.

What sort of a place is it?—It consists of four light cells or apartments, and one dark cell. Two of them are pretty good; the apartments which are used for debtors, and occasionally for criminals, when there are no debtors in the gaol. These apartments will hold eight or ten persons each. The other two apartments are badly lighted and cold. The whole is ill arranged, and there can be no classification of prisoners. There is no airing ground; but the gaol which is new, is so built, that an airing ground may be inclosed behind.

Are debtors received in this gaol?—Yes.

Were there any prisoners in this gaol?—There were; chiefly smugglers confined for the non-payment of excise penalties. There is no privy; the gaoler's house is attached; the whole is capable of improvement; there is no clergyman; the parish clergyman occasionally visits the prison. The next prison I visited, was that of Banff, a royal burgh and county town. There are four cells or apartments in this prison; two of them pretty good; one of these two was appropriated for male debtors. There were seven confined in it at the time I saw the prison; the majority for the non-payment of excise penalties; the other of these two cells was used for female debtors; the two worst cells or apartments are for criminals They are very bad; no fire places and no allowance of bed clothes upon the beds or couches.

Any beds?—A kind of bench, with a little straw.

Any supply of water?—No, there was a kind of privy in the corner of a cell, but it was a narrow conduit through the wall without water, and I considered that more offensive than the use of a tub or bucket.

At one time in the course of last year, there were 18 prisoners confined in this prison, was it adequate to contain that number?—I should think it not adequate, at least with proper attention to the ordinary accommodation of the prisoners.

You know nothing of the keeper?—He does not live in the gaol.

Has he other duties to perform?—He is one of the town officers, and I presume he has the other duties of a town officer.

Martis, 18° *die Aprilis,* 1826.

THE LORD ADVOCATE OF SCOTLAND,

IN THE CHAIR.

James Reddie, Esquire, called in; and Examined.

James Reddie, Esq.

18 April, 1826.

YOU are an advocate by profession?—I am.

You also act as town clerk of Glasgow, and as legal assessor to the magistrates?—Yes.

How long have you been in that situation?—Twenty years and upwards.

You are well acquainted, of course, with the state of the prison at Glasgow?—I am.

When was it erected?—About 12 years ago.

At whose expense?—At the expense of the corporation of the city exclusively; the county contributing nothing.

Do you know the cost?—Including court-house, gaol for debtors, and gaol for criminals, the expense was from 30 to 40,000 *l.*

Was there a special assessment for that?—No, the corporation paid the whole.

Where is it situated?—On the bank of the Clyde.

At that time was the construction of it very much approved of?—It was, certainly. Persons of skill were sent to England; and the plan was taken from the English gaols.

Does it contain airing grounds or court yards?—Yes, two.

Was the plan of it submitted to any person in this country who had studied the subject much?—Certainly it was. The late Mr. Stark, of Edinburgh, was the architect. And the situation and plan were approved of by the late Mr. Neild. Persons were sent to the different

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different gaols of England, and the gaol of Chester, I think, was taken as a model, unfortunately, in some respects, as we have found from experience.

These court yards are inside the building?—Inside.

Does the air get free access to these yards?—Tolerably; but it is not perhaps so free as it ought to be.

Are they used?—On one or two occasions; I believe prisoners when unwell have been allowed to use them; they are not generally used.

Are not prisoners suffered to go into these yards at all?—They are not, I believe, except in case of bad health.

Is the situation objectionable at all in any respect?—As it is on the banks of the river, it is favourable enough; but the public shambles being near, is certainly disadvantageous. The magistrates were anxious to get these removed, but did not succeed in consequence of the corporation of butchers having a vested right.

Is there any classification at this prison?—The west side of it is composed of two compartments of four stories each, divided by the gaoler's house; and each of these stories consists of a day room and six cells attached to it.

Are each of these six cells allotted for one individual prisoner; or do they contain more than one?—Frequently more than one; but they were intended for one each.

What is the general number of prisoners in each of these day rooms?—From six to 10 or 12; but I cannot state such details with accuracy, having been accidentally in London, on private business, and received no previous notice of the points upon which I was to be examined.

These cells enter from a passage?—Yes; which leads to the day room.

Have the night cells any communication with the open air?—None, except with the passage.

Have they any light?—None, except from the passage. There are windows on the opposite side of the passage or lobby; each passage has, as far as I remember, two windows.

What sort of opening is there from the passage into the cells?—I cannot say the exact dimensions; from nine inches to a foot diameter.

How are prisoners under sentence of death confined?—There is an apartment exclusively allotted to them, between the court hall and the range of apartments for criminals.

Is it fitted up in any particular manner?—Yes; there are two apartments. Each is lined with iron. That was recommended at the time.

Is there any light into it?—Yes, a small window in each; and there is a fire-place, I think, on the outside of the iron railing.

How are the debtors accommodated?—They are accommodated in the north and south compartments of the building, each compartment consisting of four stories. Each debtor has a small apartment, with a fire-place and window.

Then, is this prison sufficient, in your opinion, for the custody of the debtors?—I should think so. Unfortunately, we supply, not only our own district, but the adjoining counties. Persons about to be apprehended for debt, have frequently, I understand, come to Glasgow for society in the gaol, and preferable accommodation. The windows on the south overlook the Clyde.

Is the gaol of Glasgow sufficient for the criminals belonging to Glasgow?—I do not consider it sufficient for the number of criminals, whom it is frequently necessary to imprison there, independently of that part of the bridewell which is a legal prison.

Is it ever very much crowded?—It has very often been so, particularly before the circuit. I consider the plans of day rooms and night cells attached to them, as really very defective, though unfortunately we have adopted it from the English plan.

Why do you consider it defective?—Because it enables the prisoners to associate and combine, and prevents proper classification. Because it allows criminals of different degrees of guilt to associate every day, and the more depraved to corrupt the less guilty. We find separate solitary confinement far more useful.

How many cells are there in this place, altogether?—I think there are 48 altogether. There are four stories of six each, and a day-room attached to each; but I shall transmit a copy of the plan of the gaol.

How many prisoners will each of these night cells contain, conveniently?—They should contain no more than one, but they frequently contain two. I cannot speak as to their containing more than two; but the fact can be easily ascertained from the books of the gaol.

I see that in 1825, there were 114 criminals in the gaol of Glasgow; must it not have been in a crowded state at that time?—Very much so; and when the number of prisoners happens

happens to be so great, the only relief is found in that part of the bridewell of Glasgow, which is a legal prison.

James Reddie, Esq.

18 April, 1826.

What prisoners under criminal warrants are committed to the prison of Glasgow?—County prisoners, as well as city prisoners.

Besides the county of Lanark, are there prisoners from other counties?—We have had a great many from Dumbarton here, but that was owing to their having no gaol in that county at the time.

Are not all prisoners to be tried at the assizes at Glasgow, brought to Glagow previous to trial?—Of course, the prisoners from the three counties of Lanark, Renfrew and Dumbarton.

Have you reason to know this prison is frequently very much crowded, prior to the assizes?—It has frequently been so, certainly.

On the whole, do you consider the Glasgow prison as fitted for the wants of that part of the county at present?—Certainly not, except with this addition that we have lately obtained, of 50 cells in the new bridewell, for the separate and solitary confinement of the prisoners.

The new bridewell is a separate building?—A separate building.

At what distance from the gaol?—From a quarter to half a mile.

There is a different keeper, and it is a different establishment?—Yes.

How was that prison erected?—Under Act of Parliament, by an assessment; but the sum authorized to be raised by the Act, was so small (it was reduced from 30 to about 12,000 *l.*) that the magistrates of the city, to carry the object into effect, agreed to make over to the bridewell commissioners all the ground built upon and vacant, which they formerly held as a city bridewell, upon condition of getting in the new building, these fifty cells. These are completed, and by means of these, the present gaoler is enabled to distribute the prisoners, and to classify them in a superior manner to what any of his predecessors ever did.

Is he paid by the magistrates?—He is.

What is his salary?—Last year the magistrates appointed a new gaoler and agreed to give him 300 *l.* a year and a house.

He has no other fees or emoluments of any sort?—They withdrew from the officer all those fees and emoluments from the sale of porter or other articles.

Are those prisoners in the bridewell kept separate from each other; or how are they classified?—As far as the keeper is able to accomplish; according to degrees of guilt.

The people in the bridewell are all employed?—Yes; according to their respective sentences.

There is no difficulty in finding employment?—None, in consequence of proper exertion and management.

Is there any tread-mill?—No.

Upon the whole, do you consider the state of the prisons sufficient for their purpose?—The new bridewell is constructed upon a good principle. And the principal gaol, and the fifty additional cells I have already mentioned, taken together, suit tolerably well.

Are there any airing yards to the bridewell?—Yes.

Are the criminal prisoners admitted to the airing grounds?—I believe only in the case of bad health. The air is quite free; the building stands on elevated ground,

How are the prisoners in bridewell alimented?—By their own labour, in a great measure; the deficiency was formerly supplied from the funds of the borough. Under the late Act it is different. The county and city bridewell have been united for the last three years. The commissioners are authorized to levy small sums for annual expenditure; but it has hitherto been so well managed, that it has, I believe, nearly defrayed its own expense.

Do you know that the value of the labour nearly amounts to the expense of the maintenance of the prisoners?—It has done so I believe, for eight or ten years, at the old bridewell as well as the new, and very much from the excellent management of the keeper, and of the gentlemen who superintend the establishment.

Can you tell us what effect confinement in Glasgow bridewell has on the morals of the people committed to it?—I should hope rather beneficial than otherwise, as the discipline maintained is good; but it is impossible to say with accuracy; and such confinement certainly, generally operates more in the temporary prevention of mischief, than in the permanent reformation of the individual.

You do not know that the same persons are frequently returned?—Yes; I believe frequently.

Is the proportion of females very large in the bridewell?—It is.

Can you state how many debtors are generally confined in the gaol at Glasgow?—I shall transmit the number from the gaol books when I go home.

James Reddie, Esq.

18 April, 1826.

What do you consider as the chief defects of the gaol?—The having day-rooms with night cells attached to them, and the prisoners being allowed to associate with each other.

I suppose the day-rooms are not much liable to the inspection of the gaoler?—No; he does not see into them unless he goes there. That is the part which has appeared to me to require remedy more than any thing else. The magistrates have of late years enjoined the use of separate cells; and the result of experience is, that separate distinct cells, with proper heat and light for each individual, and no other person admitted to have any communication except the gaoler and his servants, constitute the best means of discipline.

Who regulates the prison at Glasgow?—The city magistrates.

They are printed regulations?—Yes; there have been for 20 years, and improved from time to time.

Is there a chaplain?—Yes.

Is there service?—Yes; regularly.

When did that begin?—It has been for the last six years, I think.

Is there any kind of education, are the younger ones kept at school?—There is a teacher.

In the gaol, or bridewell?—In both.

Is there a regular daily school kept, or is it only on Sundays?—There is a Sunday school, and I shall transmit farther details on this subject.

Are there two services, or one service?—I rather think they have two.

Are you acquainted with any other of the prisons in Scotland generally?—I have seen a good many of them many years ago.

Generally, can you say what is the state of them?—Where the counties have not united with the burghs, they are in general very defective. In the gaol of Glasgow there are looms and other implements of labour, that the prisoners may use when inclined, for their own behalf, although they cannot be compelled to labour as in bridewell.

Martis, 25° die Aprilis, 1826.

THE LORD ADVOCATE OF SCOTLAND

IN THE CHAIR.

Andrew Murray, Esquire, again called in; and Examined.

Andrew Murray, Esq.

25 April, 1826.

WHAT other prisons did you visit besides those which you mentioned in your former evidence?—Forres.

Describe what state you found that prison in?—The gaoler does not reside in the gaol; there is no privy; no clergyman attends; there are seldom many prisoners, seldom any, they said to me, but they have some occasionally; when I visited the prison, there were three smugglers. There are three apartments in the gaol, of which one was in a pretty good state, the other two were very bad; there was a fourth apartment which had formerly been part of the prison, but it is now seldom or ever used.

That is for criminals?—For any body, the best is used for the smugglers and the debtors, they very seldom had any criminals. The whole building was nearly tumbling down; there were no means of improving it; the gaol being in the middle of the street, there is no airing ground.

It was quite insecure and insufficient?—Very insufficient.

It was not in a state of security?—It was in a state of bad repair.

Could prisoners get easily out; was it a place of security?—No, it was not, it was built with clay for cement, the building was only kept together, by some mason work built with lime at the top; one of the town officers acted as gaoler weekly by turns.

Forres is not the chief borough of the county?—No.

Which is the chief borough of the county?—Elgin; the funds of the borough of Forres do not allow a salary to the gaoler, so they take a town officer who has other duties to perform as well as that of gaoler.

Before Forres, you visited Elgin?—Also Elgin, which is a royal borough and a county town. The gaol is old, it consists of four apartments, each of them about fourteen feet square; three of them with fire-places, one was a cell for criminals, without any fire-place; there is no airing ground, but prisoners are sometimes allowed to go to the roof of the house, upon the top of the building.

Is it flat roofed?—It is a square tower with a kind of flat roof; there is no privy; there is no regular gaoler, there are four town officers residing in the borough, and they take charge of the gaol monthly by turns; no clergyman attends except in case of a condemned criminal, when he is visited by the clergyman.

That

Andrew Murray, Esq.

25 April, 1826.

That is, a capital convict?—Yes.

Condemned for a capital crime?—Yes.

It was sufficiently secure that prison?—Yes, this was more secure than Forres.

But was that a trifling security, or is it so secure that they could not escape?—I should not consider it a secure gaol in a populous part of the country, or for prisoners of such a description as are often found in large towns.

Your inquiries would not go to the extent of the population?—No; there are about three or four thousand; I believe that is the extent of the population, but I cannot be certain; the returns show that. No material improvement could be made in the present building; an airing ground could not be purchased, as the gaol is in the middle of the street.

I also visited Cullen, which is a small royal borough in the county of Banff. The gaol consists of two ordinary sized cells, and a very small dark cell; it is now in good order, under the management of the magistrates of the borough. It was lately built at the expense of the Seafield family; there were no prisoners in it; there are seldom any commitments. There have been no commitments for many years, except as a matter of police at a fair or market.

I visited the gaol of Inverness, which is a royal borough and a county and circuit town. The gaoler does not reside in the gaol, but lives very near it, and has no other business than to attend at the gaol.

Has he any assistance?—There is a turnkey, and I think there is a female servant for the house. There is a privy in each ward or floor of the gaol, at the end of a passage, in which the prisoners are allowed to walk in the day time; the privies are supplied with water by a cistern from above, to which it is carried by servants. There is no clergyman regularly appointed to attend at the gaol, but one of the present ministers attends almost weekly; the gaol is maintained by the borough, and managed by the magistrates, one of the baillies officiating weekly as superintendant of the gaol. There are four cells for criminal prisoners on the first floor, which are very ill ventilated; the only aperture is the window of each cell (beside the door), opening from the passage; there is no airing ground, but prisoners are allowed to walk in the passage in the day time.

There is no classification of course?—No, except that those four cells are allotted for criminals, which are often very much crowded before the circuit.

Debtors are never allowed to associate with criminals?—No.

Are those four cells kept separate from each other, or do the great and small criminals associate all together?—All together; the cells are so ill ventilated, that prisoners can scarce be kept twenty-four hours in them, so that the cells are opened in the morning, and all the prisoners are allowed to walk together in the passage.

Is there any place for prisoners under sentence of death?—They must be confined in one of these cells, and probably different treatment is adopted.

Can you mention the number of counties from which prisoners are sent there, before the circuit takes place?—From all the northern counties, Ross-shire, Caithness, Sutherland, Nairn, Cromarty, Elgin, and the county of Inverness; the ward above was used for debtors and smugglers, confined for non-payment of Excise penalties.

What is the extent of that ward above?—There are cells or apartments of the same extent with the criminal prison below, and somewhat better aired; and besides this, there are two pretty good rooms for debtors on that upper floor, and also a third room without a fire-place, which the magistrate who showed me the gaol, said was used for a female debtor, if the season permitted her being put in the room without a fire.

Does it appear to you, that this prison was inadequate for its purpose?—Very much so; it appears to be as well regulated as the building would admit of, but there was no airing ground, or any possibility of getting any airing ground, without the purchase of some valuable property behind the prison, and the front of it was to the street; it did not appear that any material improvement could be made to this building; and if any thing were to be done to enlarge the prison, it would be better to take a new site altogether; that was the opinion of the magistrate also.

What size were those cells?—They were not longer than eight feet by ten feet, the criminal cells.

And you say there is no other instruction, except the clergyman you mention?—No, except the attendance of one of the clergymen of the town, who, it was stated, had been much more assiduous than any one before.

Do you know if he was one of the established clergymen?—He was one of the established church, Mr. Clarke was his name. The next prison I visited was that of Dingwall, which is a royal borough in Ross-shire; the gaol of Dingwall is old, it is in bad order, and appears insecure: there is one pretty good room for debtors, which contained five prisoners when I inspected it, and all those were confined for non-payment of excise penalties; there were no other prisoners of any description in the gaol. Besides that room, there are three other cells;

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cells; one of them, which was reckoned the most secure, was for criminals, and two attic rooms were shown to me, which I reckoned altogether insecure; the town officers attend the gaol weekly by turns, of course they do not reside in it; there is no clergyman appointed to attend.

Does any attend?—The parish minister attends criminals occasionally; there is no privy. The magistrate stated a curious fact, that application is sometimes made to be admitted into the prison by smugglers who had been condemned in penalties, who could not pay; and they came to take their imprisonment, in lieu of paying the fines.

They would be supported by some means or other, would they not?—The Commissioners of Excise have the power of giving them aliment.

You know Perth gaol?—Yes.

You have not seen it lately?—Not lately, but I have seen it; it is a county and circuit town, the prison was lately erected by the borough, with the assistance of the county.

Can you state any particulars as to it?—In the Perth gaol, the arrangement of prisoners is attended to as far as the extent of the establishment would admit; there is a ward for civil debtors, and another ward for smugglers, different from the ordinary civil debtors in another part of the gaol; the criminals are kept in cells which are locked up in the night time, they are admitted into the passages, and small airing yards in the day time.

To which the criminals are admitted?—I am not certain if all the criminals are admitted into the airing ground, but they are admitted into the passages and some of them into the small airing grounds.

Are debtors admitted into those airing grounds?—The smugglers are admitted to an airing ground; but though there is an airing ground for the civil debtors, from some legal doubts that have arisen, the magistrates have some hesitation how far it may be in their power to allow the debtors to use the airing, doubting whether that would be considered close confinement in terms of law.

Therefore, the debtors do not enjoy that airing ground?—I believe they do not, but I must be understood to speak from recollection, as I have not visited the gaol lately, or with a view to the present examination.

Do you consider the prison fitted for the purposes for which it is wanted?—I reckon it is very well fitted for the purposes of the county.

Is it fitted for a circuit town prison?—I believe it answers pretty well; I have heard an objection stated to it, that some of the windows of some of the cells, are not sufficiently protected from the street, although there is a wall around it.

From what you have seen of the prisons of Scotland, are you of opinion the state of the prisons' of Scotland, generally, require improvement and alteration?—Certainly, it is desirable that the state of the prisons of Scotland should be revised and looked into.

On whom does the obligation lay at present, of improving them and directing them?—The boroughs are bound by law to direct and maintain the gaols.

Who has the management of them?—The magistrates of the borough.

Exclusively?—Yes.

Did you speak to any of the magistrates about the funds of the borough, if they were adequate to the purpose?—Yes, I did frequently; in general the funds were inadequate, particularly in the small boroughs. There was another borough which I have visited, and not stated, it was the borough of Nairn.

Have you much to say about that?—Not a great deal; it is a county town, though a small one; the gaoler does not reside in the gaol, and the borough cannot afford an adequate salary for the gaoler; no clergyman attends; there is no privy. The gaol is now, and has been erected along with other town and county accommodations, by the town and county jointly; the gaol is managed by magistrates; the gaol consists of four cells or apartments in the whole, two of them are for criminals, they are dark and not good; of the two apartments which are above, one is a good room, which is used for debtors, the other is an indifferent one, which is used for smugglers or criminals of a less depraved description; there is no airing ground, but there is a small walled court with a very high wall at the back of the gaol, which might be rendered useful for that purpose.

Are not the counties authorized, if they choose it, to erect prisons?—Yes, there is an Act of Parliament, which is permissive but not compulsory.

When counties do assist boroughs, have they afterwards any share of the management of the prison?—Not in general I believe, especially if it be for the borough gaol.

Are criminal lunatics received at present in the prisons of Scotland?—Sometimes they are confined in prisons as matter of necessity.

There is no other provision made to criminals of that kind but that?—No.

How are the criminals alimented in prisons?—By the borough or the county before trial.

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But how are they alimented subsequent to conviction or trial?—By the borough.

Were there not instances in which the crown maintained prisoners subsequent to conviction?—Yes; there are some instances.

You are aware that it was lately decided, that that burden falls upon the magistrates of the boroughs?—Yes; I am aware that is now so decided. The practice was very various in different boroughs in Scotland.

In the event of the borough not having funds, what becomes of the prisoners under the criminal warrant, subsequent to the conviction?—I know no obligation to aliment them, unless it should revert to the crown.

Are there no means of raising money in the county for the support of those prisoners, or criminals who come from the county?—Not subsequent to conviction.

Are you aware that there is an Act which authorizes an assessment?—Yes, I am; the Disarming Act, which authorizes the imposing what is called The *Rogue* Money.

Can that assessment not be legally applied?—It rather appears, that even the imposition of the rogue money under that Act, is not compulsory; it is optional with the counties to impose it; but it is declared in the Act, that when it is imposed, it shall be used for the purpose of apprehending and maintaining criminals previous to trial.

And to no other purpose?—And to no other purpose.

You are aware that in the case to which you have referred, it was found the crown was not liable to maintain the prisoners subsequently?—I know the boroughs were found liable in preference to the crown.

Might not the criminal prisoners starve, in the event of these boroughs not having the means of alimenting them?—There is no alternative.

Do you know any thing as to how the prisoners committed for penalties under the Excise laws are alimented?—There is an Act of Parliament, which permits the Commissioners of Excise to modify a certain aliment to them; but there is no compulsitor.

Are you aware of any complaint on the part of the prisoners of that description?—Yes; I have frequently heard complaints in the gaol of Aberdeen.

Of want of aliment by these persons?—Yes; that aliment had not been allowed them by the Commissioners.

How are debtors maintained in Scotland?—They appear to have been maintained by the boroughs at an earlier period; but in 1696, the Act of "Grace," was passed, which entitled them to be maintained at the expense of the incarcerating creditor.

From the commencement of their imprisonment?—Only from the date of the application; and last year an Act of Parliament was made as to the consignation of the aliment.

Was it subsequent to the date of the application, a certain time?—I do not recollect; but some time must elapse in the discussion of the question on an application to the magistrates; I think ten days are allowed to the creditor.

You allude to an Act passed last Session, which ordered consignation of aliment; are you aware of the effect of that enactment?—I made inquiry at the different gaols which I visited; the answer was uniform, that the effect of it had been considerable in diminishing the number of imprisonments for small debts.

Is this Act of Grace understood to apply to prisoners committed for penalties against the Excise laws?—No.

It is discretionary on the part of the commissioners to give aliment or not?—Yes.

Do you think any remedy is necessary on this head?—I think it is desirable that offenders under the Excise laws should have the benefit of the Act of Grace, because the commissioners are, in some degree, both parties and judge; and when complaints are made, it is difficult to know when they are well or ill founded.

When a debtor becomes ill, is there any mode for his relief?—He may obtain relief by what is called "A Sick Bill," by application to the magistrates who are the keepers of the gaol where he is confined.

But that must be accompanied by a medical certificate?—Yes.

What steps do they take upon that application?—The debtor is liberated, but is understood, I believe, to be under the eye of the magistrates.

Does he find security?—Such security as he can.

Is security required of him?—I believe there is security required; such security as they can get.

Do the magistrates communicate the application by the prisoner, to the incarcerating creditor before?—Yes.

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Must they have the consent of that creditor before?—No, that is not necessary.

Have you at all turned your mind to what is the best remedy for these inconveniences in gaols?—That is a difficult subject; but I should think by making something like a district gaol at the circuit town, perhaps that would be the best remedy.

What description would you propose it should contain?—Criminal prisoners, both before and after sentence, when the confinement was likely to be of any considerable duration.

Do you mean all the prisoners in all the counties of the district?—I do.

By whom, and at whose expense would such a gaol be erected and conducted?—If no assistance could be got from the crown, I think at the expense of the boroughs or counties that were relieved.

To the extent?—Yes, to the extent they are relieved.

In what way do you think is the most reasonable mode of assessing these counties?—So far as the land is concerned, the valued rent I would reckon a fair enough mode; but if the proprietors and occupiers of houses that have no valued rent are to be assessed, of course it must be by the real rent.

Any valuation of the real rent of the land would be very difficult?—I think it would, and irksome.

Supposing the boroughs and the counties, or any of these boroughs, had the means, ought they not to contribute part of those means?—Most undoubtedly. I think the boroughs which have a common good, or are sufficiently rich to bear an assessment for the purpose of repairing the prisons, ought to contribute.

Supposing that in some counties there are boroughs possessed of the funds, and that in others there are not, in what way could a general enactment for Scotland be made to apply to the circumstances of all the counties?—I think it would be very difficult to make any general enactment to apply to all the different counties and boroughs in Scotland; but I think there are many of the smaller boroughs possessed of no funds, and where in fact there are no prisoners, that might be relieved of the obligation of maintaining gaols altogether, further than a lock-up house for the purpose of police. I think there is another class of boroughs, where perhaps a couple of apartments for debtors, and one cell for the purpose of the police, would be sufficient; and if the criminals, and perhaps in the north of Scotland those confined for non-payment of Excise penalties, were removed to either the county or district towns, those might be steps towards accomplishing the general object.

From the mode in which prisoners are tried in Scotland, would it be requisite to have prisons in county towns and boroughs, independent of the district prison?—I do not see how prisons could be dispensed with in county towns.

Prisoners under warrant might be under the jurisdiction of a magistrate, until they were fully committed for trial?—Yes; but trials take place before the sheriffs of the counties.

If those district prisons were constructed, the county prisons need not be so large as they otherwise would be?—No; and I do not think a very great addition to the prisons of circuit towns would be required, for at the circuit the prisoners would be conveyed there at any rate, and kept for a short time at least.

The aliment of the prisoners, how do you propose to arrange that?—In the district prisons, the prisoners might be alimented at the expense of those boroughs which would otherwise have been liable.

Do you think it would be reasonable or proper to continue the obligation on the boroughs to aliment the whole of the prisoners after their conviction in Scotland?—The boroughs have a strong claim for exemption; for that burthen was supposed to be imposed upon them in consequence of privileges which have now almost ceased to exist.

You do not contemplate that any debtors will be confined in that district prison?—No, except those of the immediate neighbourhood of the borough.

What is the privilege of royal boroughs which you speak of, as having nearly ceased to exist?—The exclusive privileges as to trade; I believe the royal boroughs received beneficial grants from the crown of large tracts of land and property, which in many instances are parted with; and now they cannot maintain their gaols or prisoners.

Those have been parted with in many instances, from their own mismanagement?—I believe so.

Did any considerable emolument arise formerly from the forfeitures?—Undoubtedly, and from the fines.

To whom?—To the sovereign, and also to the boroughs.

You are aware, that anciently jurisdiction was a source of emolument?—Yes; and there are so many old cases about repledging criminals, it is quite clear the person of a felon was considered a kind of valuable property.

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Formerly the magistrates of boroughs must have derived an emolument from their jurisdiction?—Certainly; and they still have the fines that are levied from offenders in the borough; for they retain the jurisdiction which was taken from the hereditary proprietors of other jurisdictions, and annexed to the crown by the Jurisdiction Act.

Each borough must still retain some description of prison?—Certainly.

Is it a public advantage that the small royal boroughs should maintain a gaol?—I do not think it is; further than a lock-up house, for a temporary purpose,

Do you think that debtors are better in these sort of prisons that remain in counties, than in those district prisons?—The smaller royal boroughs I allude to, have so few inhabitants, that there will be scarcely any debtors to commit to prison.

Would it be a public advantage if the jurisdiction of some of the smaller boroughs should be abolished and go into desuetude altogether?—I think it would; as in the case of the barons and boroughs of barony under the Jurisdiction Act.

An objection arises from the responsibility of a magistrate for the debt?—That is an additional reason why, in the ordinary case, it is difficult to remove the debtors from the borough, where given in custody to the magistrates.

It does not occur to you, does it, that there is any remedy applicable to that, in the event of its being thought expedient that the debtor should be sent to another prison?—I do not see how the magistrates could be held responsible for the debtors, when they had delivered them over to the custody of another.

Under whose management would you propose that these district prisons should be?—That is a difficult thing; the magistrates of the borough would of course have some management; but I think it would be proper that they should be under some control, especially as to the appointment or removal of the gaoler.

And regulating the gaol generally?—Yes; but if district prisons were appointed at the circuit towns, they might come to be of two descriptions, one of the ordinary description, as at present; the other for the confinement of criminals after sentence.

That is, a house of correction?—Yes, a house of correction; and perhaps there a difference might be made as to the management, if it should be separate from the ordinary prison.

Prisoners under capital sentence, are confined for a considerable time before execution, in Scotland?—Yes; five or six weeks.

There is a legal period?—They cannot be executed in less than 30 days, to the south of the Forth; and 40 days to the north.

There would be a description of accommodation provided requisite and peculiar to that description of prisoners?—Yes.

Do you consider it an advantage to shorten that period?—I think it would.

Do the reasons apply now, that applied formerly?—No they do not; the communication is so much more quick.

What was the reason?—The length of time which was required to communicate with London, with a view to pardon, or any inquiry which might be thought necessary to be instituted.

Have Scotch judges power to reprieve prisoners under sentence of death?—I believe not; although on any extraordinary occasion, they might feel themselves called on to interpose and suspend the execution of the sentence, such as, in case the communication with London were interrupted by snow, or by any other means.

The prisoners under sentence of transportation, how are they dealt with?—They are sent abroad by a warrant from the Secretary of State.

Is that sent for and obtained?—Yes.

Then those prisoners are not detained long in the prisons of Scotland?—I have not known them detained any length of time.

It is not necessary, with a view to the extent of prisons, to propose any special accommodation for that description of prisoners?—No.

Do you know any thing of the depôt for prisoners near Perth?—Yes, I do.

Does it occur to you that that could be converted into any useful purpose, as regards the confinement of prisoners in Scotland?—If it were resolved to have one large prison, it might be converted to that purpose.

Of what description of prisoners?—I should suppose prisoners after sentence, or as a house of correction, or as a penitentiary.

Do you mean cases where the sentence is of some duration?—Of some duration.

Would there be considerable expense and trouble in moving the prisoners from Scotland, if that was to be a general depôt?—Yes, of course there would.

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With regard to what you said as to repledging prisoners in former times, were there no other causes for the frequency of that practice than the pecuniary advantage arising from the fines and forfeitures of the criminals; was it not likely to happen from a desire either to interfere in favour of the accused, or to obtain a more severe sentence, as the circumstance of the case may be?—It may have arisen from such causes, or from a desire to maintain the privileges of jurisdiction. The jurisdiction of the crown parcelled out to the barons was given as a privilege, not as a burden.

Did you ever know any complaint made from the boroughs in consequence of the expense the magistrates were put to in supporting criminals after conviction?—Since the decision which has been referred to, there have been considerable complaints from the boroughs, and the subject has been considered by the convention of the boroughs. I have no other occasion to know that but as one of the public.

Do you know that some of the people have complained in consequence of the mismanagement of the gaol?—I have no doubt of it.

Would it not be desirable that there should be some other establishment for the criminal lunatics?—It surely would.

Are you aware, that in England these prisoners are maintained by the public?—I have heard so; I believe there is a grant.

Andrew Clephane, Esquire, called in; and Examined.

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ARE you sheriff-depute for the county of Fife?—I am.

And well acquainted with the state of prisons in that county?—I am.

How many prisons are there in the county?—Seventeen. There are seventeen royal burghs in the county of Fife.

Have you lately looked to the prisons in that county?—Yes, I did; I went through them very lately.

Have the goodness to state where you began, and what has occurred to you?—I crossed over from Edinburgh to Kinghorn; there is at present no gaol there; it is in ruins, but they are about to build a new one; and sometime ago, a plan was submitted to my inspection, which has since been adopted, I believe, and they have taken measures to have it erected in consequence; it is a very small one, and it contains only three rooms, two for criminals and one for debtors. There is to be an airing ground, and the gaoler is to live in the prison, in the upper story of it, with an entrance separate from that which leads to the other apartments.

Few prisoners are committed to Kinghorn prison?—There is an occasional vagrant; but there has not been a prisoner committed to the gaol of Kinghorn for many years. In the plan which was submitted to me, there was no necessary for the different rooms; but I saw it was possible in the plan, to make a necessary in the debtors' apartment, and also in the criminals'; accordingly it was added afterwards to the plan; it will have water attached to it, and can be cleaned by the gaoler.

At whose expense is this gaol to be erected?—I believe entirely by the magistrates. I then went to Kirkaldy, that is in a similar situation; but a new gaol has been contracted for, and they are now in the operation of building it. I will read the description.

At whose expense is it building?—Partly by the burgh and partly by voluntary contributions.

Is the money subscribed?—The money is subscribed, I believe; but I have understood that the expense is greater than they calculated upon, and it came harder on the burgh funds than were anticipated; but at the same time I believe there are funds.

Can you give us any idea of the expense?—No, I cannot.

The building is situate about the centre of the town, on the south side of the High-street. It is 52 feet in front, 54½ feet wide, and has an area or airing ground behind, about 45 feet by 38. The front part of the building is two stories, and behind four stories high, the front building surmounted by a square tower and octagonal spire. The entrance door in the centre of the front opens into a square outer lobby, beyond which is an inner lobby, on the right of which is a room intended for the use of the magistrates when examining prisoners, or which may be used as an office for their clerk; in it is a fire-proof closet for the custody of books and papers, and beyond it a fire-proof room for the custody of Acts of Parliament and other public and burgh records. On the left of the lobby is a smaller room which may be used for witnesses in attendance, or as an office for the town clerk; further on towards the left is the stair which ascends to the second story of the front part of the building and third of the story behind, the floors of which are on a level. In the centre of the lobby, opposite to the entrance, is a door which opens into a passage leading to the six cells intended for the confinement of criminal prisoners; a stair on the right of this passage leads down to the lower range of these cells, water closet and entry to

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to the airing ground; a stair on the right leads to the upper range of three cells. In the construction of these cells attention has been paid to the comfort as well as the security of prisoners who may be confined in them. The cells are seven feet and a half in height; all of them have one or more windows looking into the airing ground, which are glazed and which open for the admission of air, and three of them have fire places; over the door of each cell is a ventilator. The entrance to each is secured by two doors; the outer a strong grated cast-iron door, the inner one of double deal and plate iron between, which may be opened by the prisoner during the day, but will be locked up at night; besides these there are cast-iron grated doors between the exterior and interior passages. The floor of the lower range of cells is 15 inches higher than the surface of the airing ground, by which means they will be dry, well aired and secure, and when the entrance door from the inner lobby to them is shut, they will be completely separated from the other parts of the building. At the landing of the main stair is a lobby, from which are entrances into three rooms appropriated for public business; first a room 43 feet long, 23 feet wide and 15 feet high, with two fire-places and four windows looking into the back area, intended for justice of peace courts, small debt courts, meetings on the public business of the district, &c.; second, a room 24 feet long, 16 feet wide and 15 feet high, having one fire-place and two windows looking into the main street, intended for meetings of the burgh magistrates, council, &c.; third, a smaller room for witnesses in attendance, committees, &c. Entering from the lobby, and within the walls of the tower, is the stair leading up to the apartments for the confinement of debtors, which are seven in number, six of them having fire-places and one window each; the largest apartment is 23 feet by 12, has two windows, and may be used as a day-room. The windows in the rear wall looking into the airing ground, the others toward the street; and though they will admit sufficient light, yet by the interception of the roof of the front part of the building, the prisoners will neither see the street nor be seen from it. There is a vaulted coal cellar entering from under the main stair, and in each story there is a water closet and other conveniences. The gaol of the borough of Kirkaldy has for a number of years past been used as a district gaol, and the number of prisoners from the country around confined in it, have in general exceeded the number within the borough by a considerable proportion. In the old building, now being pulled down, there was only one apartment for debtors and three for criminals, which accommodation was often insufficient for the numbers confined, and no attention could be had to their classification. In the new building there is every probability that the thirteen apartments will be amply sufficient for the reception and classification of all the prisoners who may be confined at one time; and if the proportion of criminals should at any time be greater than the cells allotted for them; those committed for minor offences may be lodged in the debtors' apartments, which, though not so strongly built as the criminal cells, are sufficiently secure for ordinary cases. It appears to me, that that prison is much larger than what the town of Kirkaldy generally requires, but in consequence of other gaols in the district having been in a very bad state, and hence a great many prisoners being sent to Kirkaldy, the magistrates have thought it necessary to have a larger building than the burgh itself requires; and indeed it is rather a district prison than one that is attached to the burgh in which it is situated.

What prisoners are sent there?—The prisoners from Dysart.

Under what warrants?—Under the warrants of the Justices of the peace from different places on the east of the coast.

From county magistrates?—Yes: and I believe sometimes from the west, from Burntisland, which has not a very good gaol, and all from the interior; 12 miles north.

But the magistrates of those burghs cannot send prisoners to this gaol, by their warrant?—No they cannot; but they are generally sent by warrants of Justices of the peace.

But the chief magistrate of every burgh is in the commission of the peace for the county?—Yes.

Application to him must be in the capacity of Justice of the peace, and not as magistrate of a burgh?—Certainly; I know a great many instances where prisoners have been sent to the burgh of Kirkaldy from Dysart, merely in consequence of Dysart being an insufficient gaol.

Has Dysart any particular claim; have they assisted towards the expense?—Not as a burgh; how far lord Rosslyn or any of the gentlemen connected with Dysart, have voluntarily subscribed, I have no means of knowing; but I believe as a burgh they have not contributed; for being a burgh and having a gaol of their own, the magistrates consider they do enough if they keep up their own.

If it happened that the number of prisoners sent from these other burghs, was to crowd the new gaol at Kirkaldy too much, or if the expense of maintaining it, was more than the burgh could afford, have they any claim on those burghs?—I should conceive they have; that if a burgh, which has no prison, or an insufficient one, and the burgh chooses to send any of its prisoners there, there would be a claim for the aliment of the prisoners; and I know a present instance now, in the intermediate time, when there is no gaol at Kirkaldy there is a private understanding between the magistrates of Kirkaldy, and the magistrates of the burgh of Cupar, that the latter was to receive all prisoners sent from that district, the burgh of Kirkaldy paying the expense of them.

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Do you understand generally that it has been the object with the county magistrates and the leading gentlemen of the neighbourhood, to encourage the improvement of the gaol of Kirkaldy, rather than their restoration of other gaols that have gone into disrepair?—In the immediate vicinity of Kirkaldy it is.

As the law stands, can the magistrates of Dysart legally as magistrates, grant a warrant to commit a prisoner to the prison of Kirkaldy?—I think not; I think they are bound to have a gaol of their own, and commit prisoners from their own burgh to their own gaol.

Is it your opinion, that it would be a wise regulation if a power was given to grant the warrants upon their paying the necessary expense?—Unquestionably; there are too many gaols in the county of Fife, in consequence they are in a most miserable state, many of them, and it certainly would be expedient, and a great improvement indeed, if power was given to the other magistrates to send prisoners to Kirkaldy; but there is no other district prison that is sufficient, and it would be hard to put the expense on the burgh who chooses to have a good prison, for the benefit of those who do not choose to keep one.

Are debtors imprisoned in this prison of Kirkaldy, from the district round about, or those only that are apprehended?—Some from the burgh, and some from the district northward. I have known them sent to Kirkaldy from the northward, 12 miles to the north, but then it was the nearest sure gaol.

Debtors are directed to be imprisoned in the nearest sure gaol?—Yes.

Therefore, if a debtor is apprehended in a royal burgh bound to maintain the prisoners, if the prison is not secure, may he be legally carried to another which is secure?—I should suppose he might.

The gaol of Dysart and Kinghorn being both insecure, can debtors be sent from them to Kirkaldy?—I think they can.

Are the magistrates of Kirkaldy gaol obliged to receive them?—They are.

The diligence by which prisoners are apprehended, is a diligence from the Court of Session?—It is rather from the Signet.

Will you proceed to mention other prisons which you visited?—I proceeded to Dysart; the gaol there is very old, and is merely the two floors of a steeple, something in the form of a square; a sort of square steeple. The debtors room is in the second story, 14 feet by 10, with a window and a fire-place and a bedstead; it is not very uncomfortable. It has an entry into the public hall; and I understand from the gaoler, that if the debtor was peaceable and quiet, and there was no great appearance of his wish to escape, he generally had the liberty of walking in that hall during the day-time. The criminals room is above the debtors; it has a fire-place. It is very low in the roof; it is of the same size as the one below; it could not contain more than two persons; there is no necessary attached to it; no clergyman attends the gaol; the gaoler lives at a very considerable distance. Underneath the debtors room and open to the street is a vault, which was used as a black-hole when any military were in the town; but it is a miserable place. This gaol is seldom used except for debtors, or for vagrants for a night; there had been no criminals in it in 1825; there was one debtor at the time I inspected the prison. The next gaol is along the coast, it is Earl's Ferry; that is a royal borough; it has the privilege of a royal borough, and the privilege of sending a member to parliament. There are four of those in the county of Fife, who grudged the expense of sending a member, and they gave up the privilege. They have a charter and markets, and all other privileges of boroughs. The only room in Earl's Ferry for debtors, is the council-room of the borough. I took the liberty of asking the gaoler what was to happen, if a debtor was there and there was a meeting of the council; the answer was, that no such case had occurred, and he could not tell; but it is not the least secure. I think there are no stauncheons even in the windows; the room below that, is the only room for criminals, it is a large place without any floor, except a mud floor; it is filled with all manner of rubbish, carts off their wheels, and lumber, and packing-boxes, and I do not know what all; there is no fire-place, and it is very damp; it is a place merely for confining a vagrant for a night. The next gaol is Pittenweem, this gaol is new, and is under the town-house, there are two rooms for debtors very good, 21 feet by 12 feet, there are fire-places in them, and they are very comfortable; the only one for criminals is merely a hole; it has no fire-place, and the floor is flagged, there is a window to it without any glass, and it seemed to me exceedingly damp; there had been no criminals in it in 1825, and no debtors. It never is used except for confining a vagrant during a night; there is no necessary attached to it, but there is in one of the rooms a kind of dark hole, which the gaoler told me was used for that purpose, without any convenience, but merely filled with saw-dust; he said, when he thought it sufficiently dirty, he cleaned it out; the gaoler does not live in the gaol, but at a considerable distance.

Has he any salary?—About 2 *l.* a year, but the gaoler is town officer, and there are all manner of offices centered in one.

Do you state that that is a new gaol?—It is a new gaol, built, I think, in 1815; in truth, in almost all these boroughs there is no use for them at all as criminal gaols, they are merely used for the purpose of confining a vagrant for a night, or keeping a person taken

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taken up there till he is examined or committed for further examination; when that is done, he is always sent to Cupar, Pittenweem being about 17 miles from Cupar. The next one is Wester Anstruther, here the only debtors room is the town hall; there is only one cell for criminals which is a vault in the under part of the steeple; there is no fire-place, no flooring, there is no necessary; it is the very worst place that ever was seen, there was a good deal of water in it; there had been nobody in it for ten months. I could hardly get into it, the plate which covered the lock was obliged to be chisselled up to get in; in fact it is never used, but merely for the confinement of a drunken vagrant for a night; the gaoler lives under the town-house close by. In Easter Anstruther there is no debtors room but the council room, which is not secure, having no stauncheons to the windows. The criminals room, next door to the gaoler's house, is very small; no fire-places, two bedsteads in it; there is no necessary. Vagrants are sometimes confined there for a night; there are no criminals; there is no proper debtors' room.

Is it a large town?—It is a miserable small place. The next is Kilrenny; the only debtors room is the council hall, and there is a room which is meant for criminals; it is vaulted, and has no fire-place, no bedstead: the gaoler does not live in the gaol; he stated there never was any use for the gaol, for there was neither debtor nor criminal, and there had not been for many years. These three boroughs are just the continuation of the same street. Easter and Wester Anstruther is separated by a small rivulet, and Anstruther Easter is separated from Kilrenny by a strand.

Kilrenny comprehends a great body of fishermen?—Entirely fishermen. In Crail there are two places for debtors, and in very good condition; the one has a stove, and the other has a fire-place; one of these rooms is very large, the other one is in the lower story; it might be used; it was meant as a place for debtors, but it is seldom used. There is only one place for criminals, which is the under vault of the steeple; it was not even locked when I saw it; it did not seem to have been used except as a stable; there was a quantity of horses litter and dung in it; there is no fire-place. The gaoler lives the other side of the street, and he informed me that there had been no criminals confined there for many years; occasionally a vagrant for a night, who was liberated the next morning. St. Andrews; in the gaol here there is one debtors room, with a fire-place; it is about 15 feet square, in very good condition; there is a small closet which is used as a necessary; and there are two places for criminals, one on the ground floor, with a fire-place, and a range of bedsteads of wood rather damp; the other is a sort of intersole in the passage, reached by a sort of trap stair; that is the only access to it, but that was seldom used except when they had a very refractory criminal, and when they wanted to put him into solitary confinement. The gaoler lives in the gaol; this gaol is in tolerable good repair, but there are seldom any criminals in it, merely a vagrant. The next is Cupar, [*the witness hands a plan in to the Committee*]; this prison is remarkably neat in appearance, though it is excessively inconvenient; it is a single house; there are four cells, lighted from behind across the passage; there are bedsteads of cast-iron; there are no fire-places in these; there is besides, one cell with a window and a fire-place to it; that is called the sick cell, where females are generally imprisoned; there is no day room for the criminals, all the lights of the cells are borrowed from the passages behind, and they have no light except from a little grating through the door.

Is there any ventilation of air?—Very little, merely what is obtained from the passage, and a small grating in the door.

There is no general ventilation of the air?—There is not; the cells are thirteen feet by six feet and a half; and in consequence of the other districts of the country sending up prisoners, there are sometimes four persons confined in each cell; and as to the beds, there is only one bed in each, and that bed is only capable of containing one person; it is hardly three feet broad.

How long have you ever known four persons confined in one cell in that prison?—For six months at a time.

Have you mentioned when the gaol was built?—Within these few years, I believe in 1812, by special Act of Parliament: it was built partly at the expense of the borough, and partly at the expense of the county, as it was intended to be partly a county goal; one fifth of the expense was paid by the borough, and the other four-fifths paid by the county; but there was a special clause inserted in the bill, that notwithstanding that the county had come forward, and contributed mainly to the expense of erecting it, still it was to be counted the borough gaol, and to be maintained and kept up in all time coming by the borough; consequently, it has always, notwithstanding, been considered a borough gaol, and the county have never contributed one farthing to its repair and maintenance since it was built. There are four apartments for debtors, and a day-room fourteen feet by nine feet, and there is a water-closet both for the debtors and the criminals; the gaoler lives in the gaol; there is no regular clergyman attached to it, but one of the ministers of Cupar, who has come there lately, gives them his services, and every Sunday he convenes the debtors in one room, and he goes separately into the cells of the criminal prisoners.

That is a voluntary thing?—It is entirely a voluntary thing; he is the only person who has ever done it: he has been there only about a twelvemonth. Cupar gaol is capable of being enlarged; there is a good deal of ground behind and around it which belongs to the gaol, and it can be enlarged to any extent; the whole of the under-story is occupied by the gaoler's apartments, and his assistant, with the exception of the four cells, and the sick-cell, which is the one that contains a fire-place.

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How are the prisoners confined in the four cells; are they confined there night and day?—The whole night and day; there is no way of giving them any exercise, unless when they come into this passage to the water-closet.

They are not admitted into the passage in front of the cells, which is described as being three feet and a half wide?—Sometimes, when they are quiet, and when there are few of them, they are admitted into this passage, for the purpose of taking exercise, for half an hour at a time: and there is often application made to me, in case of prisoners not being in very good health, and especially females, to have the liberty of the airing ground, which I always grant.

Upon special application?—Yes, upon special application.

Do the people keep their health in that situation?—No, it is exceedingly damp.

Is the Cupar gaol very damp?—Yes, it is situate on the banks of the river, and it is not sufficiently elevated; it is excessively damp. The medical men, who attend the gaol, have informed me, that they have had more cases of rheumatism in that gaol, than in any other.

Upon the whole, you consider it is a very bad gaol, and very ill constructed?—Exceedingly bad, though it is very neat and imposing in its appearance.

And you think it is insufficient for the purposes of the county?—Totally insufficient for the purposes of the county.

Can you state, generally, the number of criminal prisoners confined in that gaol?—There is a special return, which has been made in the year 1825, which will show this. There were committed to it in that year, 57 males and 10 females; and it appears from the return, that there are frequently 16 and 18 confined at one time.

From the smallness of the gaol, it is impossible to classify prisoners?—Totally impossible, as it stands at present.

And a person put into gaol for the first offence, will necessarily be put in company with old criminals?—Most likely he will.

Before trial, is he exposed to the same thing?—Yes, before trial equally. I have known the prisoners before trial and after trial, lodged in the same place. It could not be avoided, from want of room.

You think it would be of great consequence to the county of Fife, to have a larger gaol, or some building, as a house of correction, added either to the building, or in some other situation?—Unquestionably it would.

Are you acquainted with the prison built for the reception of French prisoners at Perth?—I have been through it.

It is a very strong building, is it not?—Yes.

And capable of containing a great number of prisoners, is it not?—It is a very large building, and could contain a great many.

Do you think that if the gaol could be acquired, either by a gift from government, or in any other way, that it might contain almost all the criminals in the eastern part of Scotland?—Certainly; it might contain a great many more.

As to space?—As to space, certainly; if you come to take the number of criminals tried every year at the circuits in Scotland, if you except the western circuit, there are really very few from Fife. There are just two criminals at this moment to be tried at the circuit. Last circuit there were none; and since I have been sheriff of the county, the criminals tried at the circuit at Perth, from Fife, have not averaged three each circuit.

Would the prison at Cupar, answer for prisoners, prior to conviction?—Not unless an addition was made to it.

Would the depôt of Perth answer for prisoners prior to trial?—For those who are to be tried at the circuit, it would do exceedingly well.

At Perth?—Yes.

But for no other place?—Probably not; it would be exceedingly inconvenient to send the prisoners from Aberdeenshire to the depôt at Perth, and then to send them back again; it would only do in that view for those who were to be tried at Perth.

What counties send their prisoners to Perth assizes to be tried?—Forfar, and Perth, and Fife.

Is any such depôt necessary for prisoners under sentence of transportation?—I should think not, for I believe on application, the warrant to transmit them has been granted almost immediately. I believe there is only one instance in Cupar gaol, of a criminal remaining above a fortnight after sentence, a woman.

It would not answer for sending prisoners to, under capital sentence, except from the district of Perth?—No.

It would nor answer for prisoners under short periods of imprisonment?—The expense would be greater than could be afforded.

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Then the only use of the depôt would be for the confinement of prisoners under long sentences?—I think so; if ever it was the policy of the law of this country to introduce long imprisonments as a punishment, I presume it would then be of great advantage; otherwise not.

Jovis, 27° die Aprilis, 1826.

THE LORD ADVOCATE OF SCOTLAND
IN THE CHAIR.

Andrew Clephane, Esquire, again called in; and Examined.

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HAVE you any thing further to state, as to Cupar gaol?—Nothing, excepting that from its being so excessively small, the gaoler reports that he has very often been obliged to put criminals along with the debtors; that he does not do that, if the debtors object; but sometimes he is obliged to do it; and when I visited the gaol lately, there were several criminals suffering punishment, along with the debtors, in their apartment.

Do you mean subsequently to sentence or conviction?—They were then suffering sentence, and were confined in the debtors room.

The next borough is Newborough. The only apartment there for debtors, is the Town Hall, which is a very small room, not in very good repair, and by no means secure. Under it are two cells, or rather merely holes, for criminals, never used, excepting for confining a vagrant for a night or so. All criminals taken up in that district, are uniformly sent to Cupar, which is twelve miles distant. The gaoler does not live in the gaol, and there is no convenience of any kind attached to it.

The borough of Falkland. The gaol has one room for criminals and one for debtors, very small, tenanted merely by vagrants or persons committing riots at the annual fairs, of which there are two or three. It is in tolerable repair, but has no convenience of any kind attached to it. The gaoler does not live in the gaol.

Auchtermuchty gaol has only one cell for criminals, and one room for debtors, in very indifferent repair. The gaoler does not live in the gaol, and there is no convenience of any kind attached to it; it is seldom occupied, except for the confinement of vagrants, or for any person committed by the neighbouring Justices of the peace, till they are sent to Cupar, which is within seven or eight miles distance.

Burntisland gaol has only one room for criminals, arched below; there is no floor, except the top of the arch; there is no fire-place and no bedstead; there is one debtor's room with a fire-place, at the top of the house; the entry is by a trap stair, almost perpendicular; it is lathed and plastered and quite insecure. The gaoler lives at a distance, and there is no necessary, nor any convenience attached to it.

In the gaol of Inverkeithing, there is one room for criminals tolerably large, containing two bedsteads; it is dark, but otherwise not uncomfortable. There is one debtors room, 15 feet by 12, having a fire-place; there is another large room, which might be used as a debtors-room, if there was necessity for it; but not being very secure, it is seldom used for that purpose. On the ground-floor is a dark cellar, in which sometimes vagrants are put for a night or two. This gaol being within three miles of Dunfermline, all criminals are generally sent there.

In Dunfermline, the gaol is up three stories high above the town house, and entered by a narrow winding dark stair, which is very inconvenient of access. There are four places for criminals; one with a fire-place, generally set apart for females, 12 feet by 9. The cells are separated from each other by lath and plaster merely; only one of these rooms has a bedstead, which is of iron; they are floored with square red brick. There is one debtors-room on the same floor, and floored in the same way; it is of large dimensions; it has a fire-place and four windows. There are no day cells for criminals, but they are sometimes allowed to walk in the passage, which is closed from the outer door by a strong iron grating; the debtors have, at all times, the privilege of walking in that passage; there is a water-closet attached to it, and plenty of water; the gaoler does not live in the gaol, but close by. This gaol, in consequence of its situation, is perfectly dry; the rooms are exceedingly comfortable for the prisoners, but there is no possibility of its being enlarged. These are the whole of the gaols in the county of Fife.

Did you visit the prisons in any other county?—Yes, I went to Forfarshire. In Dundee, the prison consists of two stories, and is above the council-room. In the first story to the front are two rooms for debtors, and a middle room, which seems common to the other rooms. Behind there are two rooms for criminals, in good repair; all those rooms are 18 feet by 12. In the debtors apartments there are fire-places, in the latter none. Up stairs there are two places for criminals; one with a fire-place, in which the women prisoners are generally placed; the other has no fire-place. There are besides two places to the back, extremely low in the roof, in which prisoners that are unmanageable are sometimes placed; but these are never used except from absolute necessity. There are besides four rooms on this floor, but these are not considered as a part of the gaol, not being very secure; and they are seldom occupied, never by criminals, and occasionally only by debtors. There is a clergyman who attends the gaol, and is paid by the magistrates; he convenes the debtors, and goes into the individual cells of the criminals. The gaoler does not live in the gaol, but the turnkey lives

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lives in the upper flight. There have been 46 prisoners in this gaol at a time; when I visited it there were 26. The gaol is in good order, but much too small for the demands of the borough. It might have been sufficient when the town contained only 15,000 inhabitants; but now that it contains more than 40,000, it is greatly too small; and the number of prisoners is much increased by the institution of a borough police court, which has no separate place of confinement. There is a water-closet attached to each flight, with plenty of water.

Arbroath gaol is quite new, and is part of the public buildings. On the ground floor there are two places for criminals, about eight feet square, arched and apparently dry; there is no fire-place, and each cell is lighted only from a hole above the door into a passage, where there is a window; there is no bed frame, and no necessary, but merely a tub, which is emptied every day. There are five debtors apartments; one of them is immediately above the cells for criminals, with a fire-place, very clean and very comfortable. Above it, and in the story above, there are four other apartments; one very small with a fire-place, it is capable of containing two persons, with an iron bedstead. The second apartment is good, with a fire-place; it was occupied by two criminals; the third was smaller, with a fire-place; it was about nine feet square, occupied by two debtors. The fourth is a large room; it is floored; it is not considered as secure, and is not used but as a day-room for the debtors. No clergyman attends the gaol; the gaoler does not live in the gaol, but at some distance behind. The gaol could be enlarged by building upon an open area behind the gaol, which belongs to the town. This gaol is exceedingly well kept, clean and neat; there were three criminals in it; two females and one male.

At Montrose the gaol is very old and quite uninhabitable. There is only one room for criminals; it is of large dimensions, but damp and uncomfortable. There are two debtors rooms, 21 by 15, with fire-places. The walls and roof are totally decayed; no clergyman attends the gaol; the gaoler does not live in the gaol. In the new buildings there is a place attached to the police office, where rioters are sometimes confined. The provost informed me he had reported the gaol as totally insufficient; there was only one prisoner who had been indicted to stand trial at the next circuit at Perth, and he was confined in one of the debtors apartments, previous to his removal to Perth for trial.

Brechin gaol is attached to the council room, and is on the ground floor. There are two rooms for criminals, twelve feet square, one behind the other, the one in the back part of the house being almost totally dark, and extremely damp, in consequence of the ground rising behind it. There was no fire-place, no sashed window, but a mere grating.

There was no glazed window?—There was no glazed window; the gaol is seldom used, except for the confinement of a vagrant for a night or two, all criminals being sent to Forfar, which is about fourteen miles distant; the gaoler does not live in the gaol; there is no necessary attached to it; there is no clergyman; one of the clergymen of the town visits the gaol when there is any body in it, which was very seldom. It is totally incapable of being increased or improved.

Then Forfar. In this gaol there are four cells for criminals, two below and one above, 12 feet by 10; in the lower ones, there were fire-places; there were no bedsteads; it was flagged; there were three persons in one, and two in the other; the rooms were very damp, and exceedingly uncomfortable. In consequence of this gaol having been broke from the two upper rooms, a wall was to be built of strong ashler work, which would take off about two feet from the size of the rooms above, reducing them to ten feet square. One of the criminal apartments in the upper story leads through the other, and in that way is exceedingly inconvenient, and sometimes dangerous. There is only one room for debtors in the upper story, 18 feet by 12; there are two bedsteads, and a fire-place; there is no necessary, but a tub in a place boarded off. The gaol is so insufficient, and even so crowded, that criminals are placed among the debtors. The gaoler does not live in the gaol; there is no clergyman attending it.

In Perth there is a new gaol built; it was built in the year 1815, and it is in very good order. Within the gates there are two separate prisons, quite distinct from each other; one for criminals, male and female, the other for debtors. The prison for criminals is divided into male and female divisions. The male division has ten cells and a day room, with a fire-place; the division for females has four rooms with fire-places each, and no day room. There are no bedsteads, but the beds are placed on straw mattrasses on the floor, which might be remedied with effect, as the gaoler reported to me, that in consequence of their being laid on the floor, they were subject to vermin and a collection of filth. Of these ten cells, three are below and seven above, nine feet by seven and a half, with a water-closet attached; these cells contain two each. The day room is fifteen feet by twelve, and has a fire-place. The apartments for the females are two below and two above, with a water-closet; these cells the same size as the others. There is an airing-ground for both divisions, quite separate and distinct from each other.

Is it made use of as an airing ground?—Always; they have a certain portion. The day, in truth, is divided among the prisoners, according to the number of them; they have more or less liberty, one getting out at a time.

The airing ground for the males and females is divided, so that they cannot see each other?—They cannot see for there is a high wall between, so that they are distinct and separate from each other. There are also two prisons for debtors, one for ordinary debtors, the other for crown debtors. In the first, there are five apartments and in the latter four.

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A water closet is attached to each, they are 15 feet by 12, with the fire-places. In the largest of these rooms there were two debtors. The gaoler informed me, that he had sometimes had eight in it, so that it must be supposed to be pretty large. The bedsteads are of cast iron, each bed holding two. In the crown debtors prison there are wooden bedsteads and fire-places; each of the apartments could contain four with great ease. There were eight king's debtors in the gaol, four in each room; there is a water closet attached also to each of those, and also an airing ground separated in the same way as that of the criminals. Besides these apartments there are five small cells, used for the ordinary purposes of the police of the town. Above the gaoler's house are two excellent rooms, used as hospital rooms for the sick. The ministers of Perth officiate in turn every Sunday, though not regularly appointed to do so; the gaoler lives in the gaol, and has an assistant who does not live in the gaol; the executioner occupies his apartment. This prison was in remarkably good order, it was kept extremely neat and clean, and well aired; it is not capable of being enlarged, excepting by adding to it another story, which I believe was originally intended in case it was required.

The only other gaol in this county which I visited was the gaol of the royal burgh of Culross; there is in this gaol one debtors room, which was the old council room, very large, with a fire-place, but not very secure; there was only one cell for criminals, situated on the ground floor; it enters through the gaoler's house, between two beds; it is very large, but very damp; this gaol is in very bad repair, the roof is quite gone; no clergyman attends it; there is no necessary or convenience of any kind; it is seldom used, except for a night at a time, all criminals being almost immediately transmitted to Perth.

Then Kinross. It is a county gaol, hardly yet finished; there are two cells for criminals, and three rooms over each other for debtors. There is no criminal day-cell; but the lowest debtors room, which is in the same tier with those for criminals, might be made one. The debtors rooms are 14 feet by 14 feet; the criminal cells are 10½ feet by 7 feet. There are cast-iron bedsteads; there was no water-closet, but it is intended to erect conveniences of that description in the airing ground, which is of considerable size; the gaoler is to live in a house to be built for him in the airing ground. There was one criminal, a female, who was at the time I inspected it, in one of the debtors rooms. These are all the gaols I visited, and all that I had time for in truth; they are twenty-four in number.

Were there any crown debtors in the gaol of Forfar?—Two.

How were they accommodated?—They were in the only debtors room that was there, along with two others; there were four in that room.

Had they been there long?—One of them had been there for fourteen months. The case of this young man was particularly hard; his brothers had been engaged in a smuggling transaction, and had carried him along with them to conduct the horses; they were attacked on their way to the low country by the Excise officers, and a deforcement was effected by the brothers. One of the brothers escaped, the other was taken and he was tried at the circuit court at Perth, and sentenced to six months imprisonment. This young man took no part in the rescue or assault, being employed merely in conducting the horses. He was afterwards prosecuted civilly before the Court of Exchequer, and knowing nothing about Exchequer process he allowed judgment against him to go by default. He did not make appearance; judgment went out against him for the sum of two hundred pounds, and upon that judgment he had been incarcerated for fourteen months, and had every prospect of being incarcerated for ever; for as to paying two hundred pounds, it is as impossible as paying 200,000 *l.* This man's name was Andrew Young. Another of the crown debtors was totally blind.

From what you know, and from what you have seen of the prisons in Scotland, are you of opinion that some improvement is necessary?—Certainly it would be most expedient, if it could possibly be accomplished.

On whom does the obligation lay at present?—On the magistrates entirely of the royal burgh; there is no obligation on the counties, excepting what is voluntary.

The counties have no right to interfere with the management of the prisons?—No, none whatever.

Of late has there been any alteration in the mode of alimenting prisoners in your gaol? —In consequence of a judgment and decision of the Court of Session, the aliment of prisoners is now put upon the burgh where the gaol is situated; I believe before that, the practice was various. I know in the county of Fife, when I became sheriff, I found it was the practice to pay the aliment of prisoners after conviction, from the rogue money; but as it appeared to me totally unauthorized by the Rogue Money Act, I stopped it, and insisted that the magistrates of the burgh should bear the expense of alimenting prisoners after conviction; and by that judgment of the Court of Session it is now fixed that it is a burden on the burghs.

If the burghs had the means, is there any mode by which they could be compelled to erect a more perfect prison?—Unquestionably; under the Act of 1597, they are bound to have gaols, or erect gaols if they have them not; and I conceive, under that Act, they can be compelled to do so; in fact, there is no obligation, I understand, by the law of Scotland on the counties, to build at all, or to maintain any gaol.

Supposing

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Supposing the burghs had no means, how can the prisons, according to the present law of Scotland, be improved?—By the law of Scotland, as it now is, I do not know that there is any compulsitor at all, by which the burden of having gaols can be laid on any other set of persons than the burghs; and if they are not able to maintain them, their gaols will either be in a bad situation, totally unfit for the purpose for which they were originally intended, or there will be no gaols at all. I do not know any compulsitor whatever.

It being fixed by a decision, that prisoners subsequent to conviction, are to be alimented by the burgh, how are those prisoners to be alimented, when the burgh has no funds?—I conceive that failing the funds of the prisoner himself, which by the law of Scotland, are primarily liable; and failing the power of the burghs to aliment him, it must necessarily fall upon the crown, and it is not unreasonable it should do so; nor indeed is it unreasonable, in any event, that it should do so, because, if I understand it, by the law of Scotland, the crown is entitled to the whole of the escheats, and all the fines, which it regularly looks after, and draws, if any thing is to be drawn from them; and as the old law of Scotland provided that in the first instance a criminal was to be alimented out of his own funds, if the crown takes those funds, it necessarily follows, that it must take with them the burden of the aliment, for it takes exactly the means from the prisoner by which he would have been alimented, had not the crown interfered; at all events, there is no obligation on the counties to allow them; nor is there any fund established by law, from which such aliment can be granted, But it is fixed by the decision above alluded to, that the aliment of prisoners, after conviction, lies on the burghs.

Was not the crown a party to the suit which has been preferred, and was it not there found that the crown was not bound to aliment the prisoners?—It certainly was.

As the law at present stands, there is no fund from which prisoners, subsequent to conviction, can be alimented, unless from the burghs?—No; I understand there is no fund from which they can be alimented.

The people must starve in that case?—In that case they must.

The burghs of Fifeshire have not sufficient funds to put their gaols into a proper state?—They have not, they cannot erect new gaols.

When you talk of the crown being liable, you mean it is expedient that they should be liable, they are not legally liable?—No, they are clearly not legally liable; after that judgment, it is impossible to say they are, but it is expedient they ought to be liable from the reasons I have mentioned.

You are aware of the Act which abolished the heritable jurisdictions, and took away all the heritable sheriffs, that had jurisdiction in Scotland, and vested those offices in the crown; in consequence sheriffs depute were appointed, and the term depute is given to the person who holds that office?—Yes.

Then in your opinion, the crown comes in the place of those sheriffs, and all the obligations previously incumbent on them, are now incumbent on the crown?—They necessarily became incumbent on the crown.

Are you aware that prior to the abolition of the heritable jurisdictions, the sheriff had any prison?—I believe he had; the heritable jurisdictions were very extensive, and many of them exceedingly valuable, the sheriff being entitled to the escheats and different casualties.

In those times jurisdictions was a source of emolument?—It was, and in some cases a very great emolument. I think upon abolition of the heritable jurisdiction of the Duke of Argyle, which was very extensive, he claimed and got as a compensation 21,000 *l.*

As a deduction from the profits, was there the expense of maintaining the gaol?—There was.

When the crown came in the place of the sheriffs, did not that expense necessarily fall on the crown?—Necessarily it should.

What do you consider the most expedient mode of remedying the evils you have stated?—That is a question not very easily answered, and in giving my opinion perhaps I may be a good deal influenced by the situation of my own county. There may be two ways I conceive, in which the evil may be remedied, it is quite plain that the burghs are not now in that situation in which they originally were, at the time when the burden of maintaining and keeping gaols was laid upon them. At that time they had not only received from the crown, considerable grants and immunities, but they were constantly receiving grants and immunities of different kinds.

The value of these is now almost entirely gone, the common good of the boroughs, from mismanagement or some other reason, has been so much impaired, that they are unquestionably now in many cases, totally incapable of maintaining a gaol at all. There may be two ways in which the defect may be remedied, either by dividing the county into districts and having a district gaol for a particular quarter, embracing a certain number of boroughs, or else having just one general county gaol, to the erection of which the whole county would contribute. I am speaking however in reference to criminals in the county of Fife; a gaol at Cupar would do exceedingly well for all the eastern districts and the north part of Fife, and

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and part of the middle of it, comprehending the burghs of Newborough, Auchtermuchty, Cupar, St. Andrews, Crail, the two Anstruthers, Killrenny, and Pittenweem and Earl's Ferry; all of these lay, the farthest of them, within 17 miles of the county town of Cupar; another gaol to be erected at Kirkaldy, would do very well for the middle district, embracing the boroughs of Dysart and of Kinghorn, and of Burntisland, Kirkaldy, and two or three villages to the east of Dysart, such as Wemyss, Leven, and going perhaps 12 or 14 miles north into the interior; and another at Dunfermline, would serve the purpose completely for the western district, embracing Dunfermline and Inverkeithing; and if it was possible to disjoin in any way, that small neck of land by Perthshire, in which Culross is situated, it would be exceedingly advantageous to attach it to that district; though the county of Fife is quite large enough for any purpose, yet the small neck of land where Culross is, is so much detached, that it becomes exceedingly inconvenient to reach criminals there. Of course, if such a plan were to be adopted, it would be necessary that those burghs which are to be relieved from keeping separate gaols, should contribute according to their means, or according to some other rate or proportion to be established for the erection of these gaols. The Committee are probably aware, that the county of Fife, as to the jurisdiction of the county, is divided into two parts, one called the eastern, and the other the western district; that was done in consequence of the western district, embracing a large manufacturing population, being at a great distance from the county town, where the sheriffs court is held; it was then thought expedient to disunite the other part, with a separate establishment of a sheriff substitute, and procurator fiscal; and in all others of a similar situation, two gaols would be absolutely necessary.

What size would those gaols be required for criminal prisoners?—The gaol of Dunfermline, is generally the gaol to which all Inverkeithing prisoners are sent at any rate; and I am not aware that it would require to have much added to the gaol of Dunfermline, it being already found adequate to all uses required in that district; there are at present in the gaol of Dunfermline, no criminal prisoners except one person, who is under sentence by the Court of Justiciary. There have been no great number of criminal prisoners for many years.

Give the Committee an account of Kirkaldy; do you think that that is sufficient for the purpose of that district?—I do.

Of course the one at Cupar is not adequate?—It is not sufficient for the purpose even now; but that, as I have stated before in the description I gave of it, it can easily be altered and enlarged.

At whose expense ought that to be done, according to your view of the subject?—It ought to be done mainly at the expense of those burghs whose obligation is to be superseded, in so far as they can; if they cannot, if they have no funds to do it, then I presume the only way in which it can be done, would be, by a general rate over that part of the district to which it is to be attached.

Is not that a county prison in which all prisoners, even from other districts, are necessarily brought for examination before the sheriff?—It is the prison situated at the place where the sheriff court holds its meetings, and where the sheriff substitute is resident; but it cannot with propriety be called a county prison. I have stated before, that although they, the county, did come forward and assist the borough in erecting it, yet there is a special provision in the Act, by which it is declared the borough prison, and it is to be maintained and upheld by the borough in all time coming.

Is it not the prison to which all prisoners under criminal warrants for examination before the sheriff are brought?—It certainly is, generally; but I have known instances when the old gaol at Kirkaldy was in existence (and I presume it will be far more so now, when there is a new one) that instead of sending up the prisoners to Cupar, the sheriff substitute, and procurator fiscal, went there; and the precognitions were taken there, and the accused were committed for trial there; and in cases where they are sent to the circuit court for trial at Perth, from Kirkaldy direct, without coming to Cupar at all.

Have you made a return of the number of prisoners confined in the gaols of Fife?—Yes.

Can you give us any idea of the number, on an average, who might be confined in each of these three prisons?—The return which has been made, shows the whole number that had been confined within the gaols between certain periods; but a great many of these, and by far the greater proportion of them were prisoners confined under ordinary warrants, as in police matters, and they were only there for a night perhaps, or two or three nights, or perhaps a week; and in consequence, from these returns it would appear that there would be occasion for a greater or larger prison than perhaps actually the fact is. I should suppose that a prison at Cupar, capable of containing thirty criminals, would be perfectly sufficient for that district; and, as I said before, the one at Kirkaldy is perfectly sufficient for that district.

The average number of prisoners in Cupar was sixteen?—About sixteen; I think from twelve to sixteen.

And those sixteen were kept in four cells?—One cell is a dark hole, kept entirely for the ordinary purpose of police; and the gaoler found it necessary to do so in consequence of the vagrants defiling the prison, and getting vermin from people taken up in that way.

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Do you think that is the more preferable mode, or do you not think one prison for the county more preferable?—I rather think that one prison for the county would not do in the way in which the jurisdiction is divided. There must be two; but I should rather think that a prison in the county town, capable of containing the whole district to which that jurisdiction is attached, would be a preferable mode to having them divided in the way I state; they would be much more under the eye of the resident sheriff; and being a larger establishment it has the better chance of being better managed.

Without proposing to do away the district gaols, which must always exist on some scale or other wherever there is a sheriff court, would it not be desirable to have this gaol upon a smaller scale, and one gaol of larger dimensions to answer the purpose of confinement of prisoners after sentence, from the whole county?—That would do very well; at the same time it would be absolutely necessary for every borough to have something like a lock-up house. I would not wish that their liability to keep something of that sort should be suppressed; it would be an endless expense to them, and ruinous, were they to send up every person who on a fair night kicks up a riot; they would not send them at all, and the whole of these people would escape.

Are not prisoners, who are to be tried for crimes occurring in the county of Fife, who are to be tried before the Court of Justiciary, sent to Perth for that purpose?—Always.

As the witness has said that large establishments are generally better managed than small ones, what is his opinion, if an arrangement was to be made that a district prison should be constructed at Perth, to contain all prisoners in the counties comprised in the circuit, prior to trial before the Court of Justiciary, and for those suffering imprisonment, either under sentence of that court, or of the sheriff, where the duration is of any continuance?—I have not the least doubt, that if the number of criminals sent to be tried in Perth, either from the county of Fife or the county of Forfar, were great, that it would be exceedingly expedient to have something of that sort alluded to in the question. But really from Fife, there are so few, that if I were to be asked what number of apartments I would require for the accommodation of those sent from Fife, I could hardly say; and upon the whole, as there really are so few from the county, and so few condemned to imprisonment as a punishment, I should think the purpose might be effected by having an addition to the county gaol, and that at an expense not greater to the county, than the county would actually require to put that gaol in a situation capable of containing all the prisoners that it has.

By that gaol, you mean the proposed new Perth gaol?—No, the gaol at Cupar.

Do you think that the bad state, or the want of sufficient room, in the prisons in the county of Fife, is a reason why fewer prisoners are sentenced to imprisonment as a punishment, than would be sentenced if there were proper prisons?—I have no reason to think so; it is from the comparatively few criminals that are tried, and that are sentenced. Since I have been sheriff of the county of Fife, I do not think there have been above seven sentenced to imprisonment, and that is now seven years.

Only seven in seven years sentenced to imprisonment?— By the Court of Justiciary.

Nor by the sheriff?—Yes, certainly; but I do not think that I ever sentenced one to a longer imprisonment than four months.

Your answer applied merely to criminals sent for imprisonment on sentence by the Court of Justiciary?—Yes.

But the question embraced sentences by the sheriffs?—There are still so few of them, and the duration of imprisonment is so short of those that have come before me, such as I thought necessary to pronounce, that I really think the purposes might be sufficiently accomplished by a county gaol.

Do the borough magistrates not sentence petty criminals to be imprisoned?—Yes, they do. There is a jurisdiction, of course, in every royal burgh; and they do so sometimes in the borough, for instance, in which they have a gaol, Kirkaldy; they do it very often. They generally, if possible, hand them over to the sheriff.

Do not the Justices of the peace do so?—But seldom; the jurisdiction of the Justices of the peace is not always exercised with us.

What is the punishment generally inflicted in Fife for offences?—The offences that are tried, and thought worthy of being tried by the criminal court, have generally ended in transportation.

Do you think that so many as three prisons are necessary in Fife, when there are so few crimes?—It is perhaps not necessary, for one prison or two prisons, one at each place would be perfectly sufficient unquestionably; but it is exceedingly convenient in a place like Kirkcaldy, which is a rich and populous district, to have a prison there; and it would supersede the necessity of a prison at Kinghorn and at Burntisland, and at Dysart. It is only with that view I think it would be necessary; but I confess I think the better mode would be to have one prison for the county at Cupar, and one at Dunfermline of a similar size.

Are you aware, from the state of the borough funds, that this could not be constructed without some assistance from the county?—The county must contribute.

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What would be the most convenient mode of obtaining that assistance?—The only efficient mode of obtaining assistance of that sort is by an assessment, according to the valued rent, or the real rent as to lands, and an assessment to a minor extent on houses and other property. There is one advantage in an assessment by the valued rent, that we have already a valuation of it and it is easily collected, and it would be difficult to make a valuation of the real rent; but there is this disadvantage in taking the valued rent, the thriving villages and manufacturing establishments, in that way do not pay any thing at all, though they contribute to the criminals in the county.

Then an assessment which would be by the valued rent on lands, and on the houses by a real rent, would be most expedient?—Unquestionably.

What do you consider the most expedient arrangement for confinement of prisoners prior to and subsequently to conviction?—Prior to conviction, I see no reason why the burden of maintaining prisoners should not remain as it is at this moment, which is done by an assessment on the county, under an Act, which is called the Rogue Money Act, the 11 Geo. 1, c. 26.

Is that a voluntary assessment; is it voluntarily laid on?—It is laid on voluntarily. In the Act of Parliament there is no compulsitor.

Then a county may refuse to lay on this assessment altogether?—It certainly may; there is no compulsitor for it; once being voted I believe the collection of it may be enforced, but I suspect under that Act there is no compulsitor for laying it on.

Is it your opinion, that the universal practice having been, since the passing of that statute, for all counties in Scotland to assess for such rogue money, that if any county now was to refuse to lay on any assessment whatever, that the Court of Session are not entitled to direct the county to make an assessment?—I apprehend they may do what they like, and order as they please; but I apprehend it would be a good answer to say, under the Act there is no compulsitor; and that if county gentlemen choose to have the county in that disorganized state, they could only be compelled to do it by feeling the disadvantage of not doing it.

In what way could the order of the Court of Session be enforced?—I know of no way in which it could.

You said, for prisoners prior to trial there might be county prisons?—Yes; remaining just on the present footing.

The burgh prisoners are for crimes committed within the boroughs?—The aliment is to be paid by burghs as it is at present.

Who is to pay for prisoners subsequent to conviction?—It would be expedient that the crown should pay it; it is quite reasonable they should, as they have all the benefit of the escheats and fines.

Your proposal does not embrace debtors?—No; there is a great difficulty with regard to transferring them; in the first place, from the responsibility of keeping debtors, it would be exceedingly hard to lay the responsibility of keeping debtors of the whole county on the magistrates of one burgh; and also I doubt very much the expediency of carrying away debtors so far from their own places. When they are incarcerated in the nearest gaol, their friends have access to them, and a thousand little attentions make their confinement much more tolerable; and I understand it is not the policy of the law of Scotland to make imprisonment for debt a punishment, in that way it would be still necessary to keep up a debtors gaol.

Have you any idea of the number of debtors usually confined at one time in Fifeshire?—There are very few. In the round I went, to take a survey, there was one debtor in Dysart, and two debtors in Dunfermline, and three debtors in Cupar; these were the whole in the county.

Do you suppose that an average number?—I think it is probably under an average number; I do not suppose the average would be eight.

Were they for little sums?—Yes, for little sums; one of them, I think, was for 7 *l.* 10 *s.* and another for 13 *l.* and 14 *l.* In Cupar they were for considerable sums.

Were there none for paltry sums under one pound?—No; a late Act of Parliament, brought in, making it imperative on the incarcerating creditor to lodge 10 *s.* with the debtor, has completely annihilated any such imprisonment for small debts.

Prior to passing that Act, were there many instances?—Yes, a great many.

How low?—For all sums; for 14 *s.* and 15 *s.* and 16 *s.* and 10 *s.*, out of a mere piece of vindictive humour; but now they do not choose to consign aliment. In the gaol books of the burgh of Culross, I saw the entry of one person who had been incarcerated for 7 *s.* and the aliment paid; as it may be supposed, it was a piece of mere vindictive humour in the incarcerating creditor.

Does the creditor aliment the debtor?—Yes, if he is not able to aliment himself.

Are the imprisonments for debt of long duration, generally speaking?—If the debtor has been a person of good character, and has not been guilty of fraud, or supposed fraud, the imprisonment is seldom of long duration; any debtor after being in gaol for a month, can

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bring a process of *cessio bonorum* before the Court of Session, and by giving up all he possesses to his creditors, he obtains decree in the action, which supersedes personal diligence for all the debts which he at that time had incurred, and in this way he gets out of prison.

Must he be a month in prison before he can apply for that?—It is not absolutely necessary, for he may be out on a sick bill, if he gets sick. No creditor is entitled to keep his debtor in gaol, if it is prejudicial to his health; and on getting out on a sick bill, it is not requisite that he should have been a whole month in prison. A month having elapsed from the date of his incarceration, the time of being out on a sick bill included, would be understood to be the month.

But if he cannot get out upon a sick bill, he must be a month in gaol before he could bring his process of *cessio*?—Yes.

May not that process be lengthened to a considerable length of time, by the creditor?—It is a process brought by the debtor, and all he has to do is to serve the summons on all his creditors; after that is done, in a short time it then comes into court, and unless it is opposed by the creditor on the ground of fraud, it goes on immediately, and his liberty is obtained almost instantaneously.

How long time is given to the creditors to consider whether they will oppose the *cessio*, or not?—The ordinary citation of a summons is fifteen days. It is a civil process.

May not an opposing creditor put it off, by any means at all?—He cannot, not for any length of time, he may take the process out to see; it is a short time that is given, eight or ten days; or if it is at the close of the session, only three days, to see, and he must state his peremptory defence at the bar where the debtor moves his case, which he can do immediately after the induciæ of the summons has expired.

But if the court is not sitting, how then?—He has no remedy if the court is not sitting.

Then he may be detained some months?—He may, certainly.

What are the crimes for which the punishment of imprisonment is commonly inflicted in Scotland?—They are generally petty thefts, and assaults; those are generally the crimes. There are certain statutory punishments, such as concealment of pregnancy.

The criminal law of Scotland is almost all common law?—Yes.

And the punishments for small offences are generally discretionary?—They are; for capital offences, there is death; for other offences, transportation and imprisonment; and the imprisonment is generally for the minor offences, such as petty thefts, and petty assaults.

Petty thefts and assaults would comprise the greatest number?—Yes.

Have you many committed for concealment of pregnancy?—It is a crime pretty frequent, I do not suppose, however, above a dozen in a year. In Scotland, formerly, by an old Scots Act of Parliament, if a female did not call for assistance at the birth, if she concealed her pregnancy, if she did not call for assistance, and if the child was found dead, she was held to be the murderer of the child. This was so harsh a law, that no conviction could be got upon it; and the late Lord Advocate, Colquhoun, brought in a Bill, repealing that Act, making it imprisonment; that when a pregnant female has not called for assistance, or has concealed her pregnancy, and when the child is found dead or missing, the female is liable to imprisonment for a period not exceeeding two years; but it seldom happens that there is an imprisonment to that extent inflicted.

But some must occur every year?—There is generally some every year; there is one in Fife at this moment.

Is not that crime always punished before the Court of Justiciary?—Yes.

Do you imprison for smuggling?—Not for smuggling, except under a judgment of the Court of Exchequer. Smuggling is not a crime by the law, excepting under the statute.

But do you imprison for all offences against the Revenue laws, if a man smuggles whisky, or introduces goods from abroad?—No, that is not a crime at all; he is merely liable to penalties in consequence, and he must be sued in the Court of Exchequer, and there are a great many of that description.

What is the average length of their imprisonment; do they get out as easily as other debtors do?—No; I never heard of any of them suing out a *cessio*.

What is the average length of time for those prisoners that are imprisoned, not being able to pay the fines imposed upon them, under the Revenue laws?—That is entirely discretionary, I suspect, in the Treasury.

But from your experience of persons whom you see in prisons, what should you suppose the average time of the imprisonment was?—I have known no instance of time, during which they remained in prison, greater than that which I have alluded to, 14 months.

What are the shortest periods you have commonly known in a number of cases under these Revenue laws?—Why, it depends entirely upon the party being able to muster up the money to pay the fines.

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Did the man you have alluded to, pay at the end of 14 months?—He is there yet; he cannot pay; he can just as easily pay the national debt. I made a note of it, to try if I could do any thing for him.

Do they commit libellers to imprisonment?—No, we have no instances, only of course if they are tried criminally by the Criminal Court, they may be; but I do not know any case of a libel of that sort; it is generally a civil action for a libel.

Are there any commitments under the Game laws, in Fifeshire?—Yes, there are plenty.

Does that come before the sheriff?—Sometimes, but oftener before the Justice of the peace; and these are generally under the Scotch Game laws, imposing a fine; and failing that fine, there is by some of the statutes, imprisonment for six months, or three months.

Many persons are committed in your county, under those laws, either for the offence, or for not paying the fine?—There are a good many in Kirkaldy district; they are very strict there.

Does the law authorize summary imprisonment for fine?—No.

How is the fine enforced?—The fine is enforced by their being incarcerated for it as a debt.

How do you get at that; what is the form of the proceeding?—It is by extracting the decree, and then giving the man a charge to pay it, and upon that charge getting personal diligence against him; because I do not understand that there is any commutation, or any alternative in the old Acts of Parliament.

Are apprentices frequently imprisoned for misconduct?—They are liable to imprisonment if they desert the service of their master, or if they run away.

Or they may behave so ill in their master's service as to be liable to imprisonment?—No, I am afraid not, the only way that can be done is either by proceeding upon the cautioner, (they generally find securities for their good conduct) or by an ordinary action at law, at the instance of the master against the apprentice.

Are there many cases of imprisonment of apprentices for running away?—Very few.

Is it usual for servants in husbandry, to be hired for a year, or a particular time?—Generally for a year.

Is it common for them to break their engagements?—Very uncommon.

There are very few persons imprisoned for that?—Very few.

What is the longest sentence of imprisonment that you recollect or know having been passed by any court in Scotland?—Eighteen months.

You do not recollect a longer sentence?—No; or two years; I think I recollect one of two years, but never beyond that.

What was the offence which led to that sentence?—It was an assault of a very aggravated description, to which a plea of guilty was given in by the accused; and in consequence of the absence of his counsel, who had no opportunity of knowing the case was coming on, and had no opportunity of explaining to what extent it was that the culprit meant to plead guilty; the judge could do no more than take the statement from the record, and it appearing on the face of it to be of a very aggravated description, he was sentenced to two years imprisonment.

As to thefts, for which transportation is thought too severe, what is the longest imprisonment?—Generally twelve months.

Of course there are smaller thefts, which come under a shorter term?—Yes, generally three months or four months.

In very many cases, do not they whip as well as transport?—Yes, and very efficacious it is; it is a pity it is not more resorted to in cases of violent assault. I never knew whipping but in the case of an assault.

Is whipping a common punishment in Scotland?—Very uncommon, and private whipping is entirely abolished.

You think if it was more resorted to, it would be attended with more good effects?—I do think so.

Are there a considerable number of commitments of vagrants of that description, who were committed for a night, who were not intended to be detained for trial?—Yes, the next morning they are passed to the next constable, and put out of the county. On the occasion of a fair, a blackguard comes and gets drunk, and he is put in to get cool by the morning, and he is generally cool enough by that time.

Martis, 2° *die Maij*, 1826.

THE LORD ADVOCATE OF SCOTLAND

IN THE CHAIR.

H. Drummond, Esq.

2 May, 1826.

Henry Home Drummond, Esquire, a Member of the Committee, called in; and Examined.

ARE you a barrister, and were you for a considerable time one of the Lord Advocate of Scotland's deputes?—I was Deputy Advocate for 10 years.

What are the offences for which imprisonment is usually inflicted in Scotland?—Chiefly thefts of different descriptions; the next most numerous class is assaults; but imprisonment is competent as a species of punishment for every crime which may be punished *arbitrarily*, that is, *arbitris judicis*, by any punishment short of death.

That is in the discretion of the court?—Yes, in the discretion of the court. The instances of imprisonment as a punishment for other offences than theft and assault, are not numerous; and the long periods of imprisonment that take place in England are unknown in Scotland, where the period very rarely exceeds a year.

On whom is the duty of maintaining and governing the gaols in Scotland imposed by law?—On the magistrates of the royal burghs.

Are there any of the county magistrates, the sheriffs, or justices of the peace, who are entitled to inspect the gaols?—Not by the common law, or any general statute, but there are certain local statutes that have been passed for particular cases of late years, where there are instances of that power being vested in them.

The magistrates of the boroughs are keepers of the gaols, are they not?—Yes.

Are the burghs liable for the repairs of the gaols?—Yes.

Is there any other magistrate in Scotland entitled to visit gaols and inspect them, except the magistrates of the burghs, who have the government of these gaols?—No, there is not. There is a power of control over the conduct of the magistrates of royal burghs as to their duty with regard to gaols, vested in the Court of Justiciary.

Is it the duty of the Lords of Justiciary on the circuits, to inspect the gaols?—No, certainly not.

Is there any officer to whom the duty of inspecting the gaols belongs?—No, I conceive there are no other officers but the magistrates of the royal burghs, and if they fail in the due performance of their duty, it is competent to complain of them for malversation to the Court of Justiciary, either to the high court, or the court on the circuit.

Who has power to complain?—The public prosecutor, or any person aggrieved.

What do you understand by malversation?—Allowing the gaol, for example, to go into disrepair, so that it becomes unfit for the custody of criminals, or allowing the escape of criminals.

What means does the Court of Justiciary possess of carrying its jurisdiction into effect?—The form of proceeding would be by summary complaint at the instance of the public prosecutor, or the person aggrieved; and the complaint would pray for punishment, and for an order on the magistrates to carry the necessary measures into effect, which, if they failed to do, they would be punished as for a contempt.

That would be the case, supposing them to have the means?—Yes, of course.

Supposing they have no burgh funds, what would be done then?—I should think the court would not consider them bound to expend their own money for a public purpose.

Has the court any power to fine the magistrates of the boroughs?—Certainly the magistrates may be punished, and have been punished in some instances. I remember petitions and complaints on several occasions against magistrates of boroughs; and I remember, in more than one instance, magistrates appearing at the bar to answer for neglect of duty and misconduct alleged against them.

In the course of your practice as deputy advocate, have you ever considered it your own duty to examine into the state of the gaols in Scotland?—I certainly thought I had a right to examine the gaols, and complain of any impropriety, if any such existed in them; and under that impression I have, on various occasions, inspected the gaols and given directions with regard to circumstances which fell under my observation; and if I had seen cause, I should have presented a complaint to the court.

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Do you conceive that this duty extends to the gaols in the boroughs which are not circuit towns?—Yes, I certainly consider that the right to inspect and complain extends to every place of confinement for criminals.

Do you think it possible for the deputy advocates to exercise that duty of inspection generally, in the boroughs which are not circuit towns?—I believe it has never been expected of them.

If the magistrates refused to admit a deputy advocate, has he power to enforce his entrance?—I presume, that if he were to allege his request to inspect a gaol to have been refused, and state his reasons to the court, that they would authorize the inspection to take place.

Have you known any instance of that kind?—No, I never heard of a magistrate refusing admission to a person vested with such authority.

Has a deputy advocate more right to enter than any other county magistrate has?—He has that right which is derived from his power to complain of malversation; and having a right to complain, the court would give him the means of discovering the facts of the case.

Do you think that right is derived to him from the common law?—Yes, I do.

In point of fact, is there any regular inspection of the borough gaols?—None but what is exercised by the magistrates of the royal boroughs.

Is there no inspection of their conduct?—None but what I have described, by way of complaint of malversation.

If the magistrates have no borough funds, and the gaols are in a bad state, what redress is there?—There is no example of any legal redress in such a case.

Would the magistrates themselves in such a case be liable in law to make up the deficiency of the borough funds out of their own private fortune?—I think not.

Would they be entitled to assess the community of the borough to make up that deficiency?—I am not aware of any law to entitle them to do so.

In your opinion, if the funds of the boroughs are not sufficient to repair and maintain the gaols, with a view to keep up the due government of them, is there no remedy by the law, as it at present stands?—I am not aware of any existing remedy.

Besides the commitments you have mentioned, are there not many commitments in Scotland under the Excise laws?—Yes; the commitments under the Excise laws are very numerous; partly proceeding from the convictions in the Court of Exchequer, and partly from convictions by county magistrates. I believe the great proportion of them follow on the convictions of county magistrates: and these again are of two sorts, either commitments until payment of the fine, or commitments for a definite period of time, in cases where there has been a return of no distress. These all proceed under the Revenue statutes.

Are the commitments under the game laws very numerous?—They are very unfrequent in Scotland; they are mostly commitments for nonpayment of the penalty for killing game without paying the tax or license duty. Commitments under what are properly called the Game laws of Scotland, are not common. There are only two statutes which may be said to constitute the whole body of Game laws of Scotland; the Act of 1621, for killing game without the legal qualification, and the 13th of Geo. 3. for having game in possession without the leave or order of a qualified person. By the first statute, the penalty is 100*l.* Scots, or 8*l.* 6*s.* 8*d.*; under the last statute the penalty is 20*s.* for the first offence, and 40*s.* for the second; but I believe that commitments for the nonpayment of either of these penalties are very rare.

Are you aware that the confinement of the number of persons for breaches of the Excise laws, in gaols so regulated as they are in Scotland, is attended with great moral evils?—I certainly think so; and I believe there is no description of prisoners in the gaols of Scotland, with regard to whom the gaol regulations require more amendment, than those prisoners who are committed for offences against the Excise laws; they are not so well attended to as criminals are; they are generally under very little restraint, living together more after the manner of debtors than criminals.

How are they maintained?—When their own funds are not sufficient for their aliment, they are provided for by the Board of Excise, under the authority of a recent Act of Parliament.

Are you aware if the Act of Grace is understood to apply to debtors of that description?—I understand not; otherwise it would not have been necessary to pass the Act referred to.

Are there not many commitments under the Local Police Acts, at different places?—Yes. I believe the commitments under the Local Police Acts in great towns are very numerous, particularly in Edinburgh and Glasgow.

H. H. Drummond, Esq.

2 May, 1826.

Do you think the state of the gaols inflicts a great portion of unnecessary evil on this class of criminals, and persons committed for those offences?—I believe the operation of such Police Acts is very various. In some places, the regulations are very superior to those of other places. The bridewell of Edinburgh is the place of all others that I am best acquainted with of that description; and I think the operation of the commitments there has been very prejudicial to the morals of the community.

Do you happen to know that persons, if once committed there, are extremely happy to return?—I believe they return so often, that some may be said to spend their lives there; the commitments in many instances are totally useless as a punishment.

Do you think they are worse than useless, as a mode of reforming manners?—Yes, I certainly do.

Under the Act of the 11th of George 2, cap. 26, regarding the assessment which commonly passes under the name of Rogue Money in Scotland, are you of opinion, as a lawyer, that the freeholders are bound to assess the several counties for such sum as may be necessary for the apprehending of criminals, and supporting them until conviction; or do you think it is within their discretion to refuse to impose such assessment?—I am inclined to think that, under the words, " It shall and may be lawful," the freeholders are not only permitted but bound to assess the shires; but I would be understood to speak with diffidence, in answer to the question; for I do not believe that any such case has ever been decided by any of the Scotch courts; at the same time, reasoning from analogy, I think the court of Session would order the freeholders to lay on the assessment, if they refused or neglected to do so. Thus, for example, in the case of commissioners of supply refusing or neglecting to divide the valuations of the heritors of the county, there have been instances again and again of orders issuing from the Court of Session to the commissioners, requiring them to divide the valuations, and to hold meetings for this purpose, which I believe they are not expressly required, but only empowered to do by the statutes.

Is it your opinion, that if the freeholders were to refuse, or neglect to impose the necessary assessments under the Act which has been referred to, it would be competent for the Court of Session to enforce the imposition of such assessment?—I am rather inclined to think so, but no instance has ever occurred of the freeholders of any county refusing to assess.

Appendix, N° 2.

STATE OF PRISONS.

AT the COMMITTEE on Prisons in Scotland;
The LORD ADVOCATE of SCOTLAND in the Chair.

Jovis, 23° *die Martij*, 1826.

Ordered, That there be laid before the Committee, on or before the 10th day of April next, a RETURN from each Sheriff in Scotland, of every Prison situate within the County whereof he is Sheriff;—specifying

1.—Name of each Prison, and where situated?

2.—Whether Common Jail, or House of Correction?

3.—Number of Prisoners it is capable of containing?

4.—Number of Classes for Criminals, exclusive of Debtors; and whether they can be increased?

5.—Number for Apartments, distinguishing those from Criminals from those for other Prisoners?

6.—Number of Prisoners committed in the Year 1825; distinguishing Criminals from Debtors, and Males from Females?

7.—The greatest Number of Prisoners confined during the Year 1825, at any one time?

8.—Number of Persons employed as Keepers and Under-Keepers?

9.—Whether any Airing Ground?

10.—Present state of Repair?

11.—By whom Erected, and Maintained?

12.—By whom Regulated; if by printed Regulations?

13.—Any additional Observations, which may be deemed important.

The following are the ANSWERS to the above Requisition.
(*See* next and following Pages.)

1.—ABERDEEN-SHIRE.

1.	2.	3.	4.	5.		6.					
Name of Prisons.	Where situated.	Number of Prisoners it is capable of containing.	Number of Classes for Criminals, exclusive of Debtors.	Number of Apartments.		Number of Persons committed in 1825:					
						DEBTORS.			CRIMINALS.		
				Criminals.	Other Prisoners.	Males.	Females.	Total.	Males.	Females.	Total.
Criminal Jail - -	Aberdeen	44	none	7	- -	- -	- -	- -	129	24	153
Debtors' Jail, being a temporary one in upper floor of Bridewell.	Aberdeen	48	- -	- -	21	174	22	196	- -	- -	- -
Bridewell, or House of Correction.	Aberdeen	60	- -	101	- -	- -	- -	- -	91	40	131
Common Jail - - -	Kintore, a small royal burgh.	3	- -	1	- -	none	none	none	- -	- -	- -
Common Jail - - -	Inverury, a small royal burgh.	6	- -	1	1	d°	d°	d°	- -	- -	- -
Jail or Prison - -	Peterhead, burgh of barony.	3	- -	1	- -	d°	d°	d°	- -	- -	- -
Jail or Prison - - -	Fraserburgh, burgh of regality.	6	- -	2	- -	d°	d°	d°	- -	- -	- -
Jail or Prison - - -	Old Aberdeen, burgh of regality.	3	- -	1	- -	d°	d°	d°	- -	- -	- -
Jail or Prison - - -	Old Meldrum burgh of barony.	6	- -	2	- -	d°	d°	d°	- -	1	- -

Note.—An Act of Parliament was obtained last session, for erecting and maintaining a New Common Jail for the Burgh of Aberdeen, at the expense of the burgh and county jointly; and the accommodation proposed to be built is

1.—ABERDEEN-SHIRE.

7. Greatest Number at one time in 1825.	8. Keepers and Under Keeper.	9. Whether any Airing Ground.	10. State of Repair.	11. By whom Erected, and Maintained.	12. By whom Regulated, and if by printed Regulations.	13. REMARKS.
23	2	none - -	Old, but secure.	Magistrates of Aberdeen.	Magistrates of Aberdeen, by printed regulations.	There are no airing grounds, and can be no classification, but in the different cells.
55	2	- - -	- Good -	By county and burgh equally.	By magistrates of burgh, and by printed rules.	—
36	2	There is one around the building.	- Good -	- - d° - -	By Commissioners of county and burgh, and by printed rules.	Prisoners confined in Bridewell have night and day cells. The confinement is not altogether, but is a good deal, solitary; and being brought down to the airing grounds as a matter of indulgence, this becomes a reward for good behaviour. The airing grounds might be divided into yards, *for different classes.*
- -	No jailer -	none - -	In tolerable repair.	Earl of Kintore -	No printed rules -	It may be doubtful whether these places of confinement ought to have been returned as prisons. They are chiefly useful under the lower species of jurisdiction, belonging to barons having right of fairs or markets, for the temporary restraint of rioters, or offenders *during the continuance of the market.*
- -	No jailer -	- - -	Not very secure.	Magistrates of burgh	- - d° - -	
- -	No regular jailer.	- - -	Good and secure.	The superior and community.	The baillie and council of the burgh. No printed rules.	
- -	Only a town officer.	- - -	Not very secure.	Erected by superior, maintained by community.	The baillie of the burgh. No printed rules.	
- -	- d° -	- - -	Good and secure.	Magistrates -	The magistrates. No printed rules.	
1	No regular jailer.	- - -	Good and secure.	The superior -	The superior -	

is described in the accompanying specification by the architect, which when erected, will, with the House of Correction or Bridewell, afford the means of classification of the prisoners, as both are under the jurisdiction of the same magistrates.

Andr^w Murray, Sheriff Dep.

2.—ARGYLE-SHIRE.

Argyle-shire.

Query 1. Name of each prison, and where situated?—*Answer.* Inveraray prison and Campbelltown prison.

2. Whether common jail, or house of correction?—Common jails.

3. Number of prisoners it is capable of containing?—Inveraray jail capable of containing twenty-four prisoners comfortably; Campbelltown twelve.

4. Number of classes for criminals; exclusive of debtors, and whether they can be increased?—No classification of criminals in either jail, except that betwixt debtors and criminals, males and females.

5. Number of apartments, distinguishing those of criminals from those of other prisoners?—Thirteen apartments in Inveraray jail, eight for debtors and five for criminals, and a day room. Six in Campbelltown, three for criminals and three for debtors.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Eighty-nine prisoners in Inveraray jail in the year 1825. Criminals, thirty-three males and one female; debtors, forty-seven males and eight females. Fifty-four prisoners in Campbelltown, thirty-one criminals, twenty-three debtors; three females and fifty-one males.

7. The greatest number of prisoners confined during the year 1825, at any one time?—Thirty-eight prisoners confined in Inverary jail at one time during the year 1825. Twenty-one prisoners in Campbelltown.

8. Number of persons employed as keepers and under-keepers?—One keeper and one under-keeper in each jail.

9. Whether any airing ground?—There is a court attached to the Inveraray prison, as an airing ground, where the prisoners are sometimes allowed to walk; but not being a secure place, it can only be used under a guard. No airing ground at Campbelltown.

10. Present state of repair?—Both jails are in a good state of repair, but not considered secure prisons.

11. By whom erected and maintained?—The Inveraray jail was built in terms of the Act 54th Geo. 3, c. 102, principally at the expense of the county; fifty pounds only being required from the burgh of Inveraray; and on account of the smallness of the burgh funds, the said sum of fifty pounds was raised by an assessment on the inhabitants. Campbelltown jail was built and maintained by the burgh.

12. By whom regulated, if by printed regulations?—Regulated by the magistrates of the burgh of Inveraray and Campbelltown respectively, but no printed regulations.

13. Any additional observations which may be deemed important?—Besides the jails at Inveraray and Campbelltown, a lock-up-house was lately built at Tobermory, in the Island of Mull, by the proprietors of that district, which was legalized by the Court of Justiciary, as a temporary place of confinement for criminals belonging to the northern district of the county, in the month of February last.

10th April 1826. *Robt Bruce,* Sheriff of Argyle.

3.—AYR-SHIRE.

Ayr-shire.

1. Name of each prison, and where situated?—There is a prison situated in the town of Ayr, called the county jail, which is constructed for holding male and female criminals, and male and female debtors. The jail for felons and that for debtors are entirely detached from each other, and separated by a high wall. Their airing grounds are also separate. There is also a prison in the royal burgh of Irvine, which is chiefly used for confining debtors; and there are lock-up houses in the burghs of barony following; viz. Maybole, Girvan, Prestwick, Mauchline, Cumnock, Kilmarnock, Galston, Newmilns, Stewarton, Kilmaurs, Kilwinning, Ardrossan, Largs, and Beith.

2. Whether common jail, or house of correction?—The jail situated in Ayr is a common one for prisoners of all descriptions in town or county. There is no house of correction in the town or county.

3. Number of prisoners it is capable of containing?—Debtors apartments: eighteen rooms for sleeping, capable of containing one debtor each, besides two day rooms for males, and one day room for females. Criminals apartments, twenty-five cells for sleeping, capable of holding two criminals each, besides two day rooms for male criminals, and one day room for female criminals.

Ayrs-hire, *continued.*

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—The apartments for females and males are distinct, and no communication betwixt them. There are two day rooms for males, by which a separation of them into classes may be made. It would be difficult to make any addition to the present buildings, as they have been so lately constructed on a regular plan, and are entirely inclosed with a high wall. Neither would it be easy to alter the distribution of the apartments internally; but as the site is on the sea shore, there is ample space directly adjoining, for erecting additional buildings, should they afterwards be found necessary.

5. Number of apartments, distinguishing those of criminals from those of other prisoners? —Answered in N° 3, before stated.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Male debtors, 45; female debtors, 2; male criminals, 128; female criminals, 18.

7. The greatest number of prisoners confined during the year 1825, at any one time?—Male debtors, 7; female debtors, 2; male criminals, 25; female criminals, 6.

8. Number of persons employed as keepers and under-keepers?—One jailer, and four under-keepers or assistants, which last also act as town officers.

9. Whether any airing ground?—There are sufficient separate airing grounds to both jails, both for males and females.

10. Present state of repair?—The prison is in a perfectly good state of repair and accommodation, having been built only about four years ago, and well constructed, both for the health and comfort of the prisoners.

11. By whom erected, and maintained?—The premises were erected by an assessment upon the town and county, at the expense (along with the adjacent rooms, &c.) of 34,000 *l.* and maintained by the town of Ayr.

12. By whom regulated; if by printed regulations?—The magistrates of Ayr have the regulation of the prisons; there are no printed regulations.

13. Any additional observations which may be deemed important?—No additional observations.

Will. Eaton,
Sh. Sub. of Ayr-shire.

ANSWERS BY THE MAGISTRATES OF KILMARNOCK.

1. There is a prison, situated in the centre of the town of Kilmarnock, called Kilmarnock jail.

2. It is a common jail.

3. 4. 5. 6. 7. It has never been the practice to incarcerate prisoners for debt in this jail. There are three apartments capable of containing twelve or fifteen prisoners, besides a guard room for the use of the military when in town, and the watchmen, under the Police Act of Parliament. Criminals are never detained longer in Kilmarnock than until precognitions are taken, when they are transmitted to Ayr; of course, the prison is chiefly confined to short incarcerations of offenders against the Police Act, and petty delinquents.

8. The serjeant of police, and two town officers, are keepers of the jail.

9. There is no airing ground.

10. The prison is in a good state of repair.

11. It was erected, and is maintained by the corporation of the burgh of Kilmarnock.

12. It is regulated by the magistrates and town council for the time being; there are no printed regulations.

Humbly returned by
Wm Ranking.
Wm Cumming.

Kilmarnock, April 3d, 1826.

4.—BANFFSHIRE.

Banff-shire.

Answer to Query 1.—Banff jail, situated in the town of Banff.

Answer to Query 2.—Banff jail is a common jail and not a house of correction,

Answer to Query 3.—It is capable of containing only eight civil prisoners, and four criminals, with any due consideration for the indispensable regard that ought to be paid to the health and comfort of the individuals confined.

Answer to Query 4.—There is no classification of criminals, nor could that most desirable object be attained without additional buildings, or the erection of a new jail altogether.

Answer to Query 5.—The number of apartments in the prison, is four; two of which are for civil prisoners and two for criminals. (*see* observations under N° 13.)

Answer to Query 6.—The number of prisoners committed in 1825, was 53, viz.

Criminals		13
Civil Debtors	16	
Excise and Customs for penalties incurred	24	
		40
		53

	Males.	Females.	
of which Criminals	8	–	
,, ,,	–	5	
,, Excise and Customs	16	–	
,, ,,	–	8	
,, Civil Debtors	16	–	
	40	13	53

Answer to Query 7.—The greatest number of prisoners confined, at any one time, during the year 1825, was eighteen, and this was in the months of November and December, said year.

Answer to Query 8.—At present there are two keepers, of whom one is held responsible for the other, who is a kind of assistant, and also occasionally takes the charge. For the greater part of 1825, three persons were employed.

Answer to Query 9.—There is no airing ground.

Answer to Query 10.—The state of repair is good.

Answer to Query 11.—The jail was erected and is maintained by the burgh of Banff.

Answer to Query 12.—It is regulated by the magistrates of the burgh of Banff; but the regulations are not printed.

Answer to Query 13.—Under this head, it appears important to observe, that from the great number of prisoners presented for confinement, the magistrates of the burgh of Banff have found it necessary to convert into a temporary place of confinement, an apartment in the same building as the jail, and formerly used as a public kitchen, which is not at all secure, and very ill adapted for a prison. In neither of the apartments, destined for criminals, is there any fire-place, bed or bedding. In one of the apartments for civil prisoners, there are two bedsteads, and in the other there is one. There is no supply of water in the prison. With regard to the keepers of the prison, it may be observed, that one of them acts also as a town and police officer, and the other is dean of guild officer, and also a sheriff officer. They are both resident in the town; but at a distance from the jail; and except at the hours when the prisoners meals are carried in, they are employed throughout the day at other occupations. From the state of the revenue of the burgh, a sufficient remuneration cannot be afforded to a jailer, whose sole occupation would be to attend the prison; and owing to this circumstance, no less than to the insecurity of the jail itself, escapes are not unfrequent. For the performance of the duties of jailers and town officers, the two individuals are allowed, betwixt them, 19*l.* 10*s.* per annum.

There is a considerable open space, which is private property, adjoining the prison, and which might be made available by a legislative enactment, for the purpose of additional building and airing ground, should that be deemed expedient.

It is proper to state, that in the royal burgh of Cullen, which is distant thirteen miles from Banff; there are one or two apartments allotted for a place of confinement, and recently erected; but it is understood, that no person has ever been confined there. There is no airing ground attached. A specific return has been required from the town clerk of Cullen, but has not yet been received,

John Pringle,

Banff, 6th April 1826. Sheriff Substitute of Banff-shire.

5.—BERWICK-SHIRE.

Berwick-shire.

QUERIES.	GREENLAW JAIL.	LAUDER JAIL.
1. Name of each prison, and where situated?	Situated in the Burgh of Barony of Greenlaw.	Situated in the Royal Burgh of Lauder.
2. Whether common jail, or house of correction?	Common jail - - -	Common jail.
3. Number of prisoners it is capable of containing?	Eighteen, provided no more than one prisoner is confined in each cell; but besides a bed for one prisoner in each cell, there is a large mattrass that can accommodate two persons upon the floor.	Six.
4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?	There can be only two classes having the benefit of day-rooms, viz. males and females. These cannot be increased without confining the prisoners in cells, and giving the benefit of the day-rooms and airing-grounds in rotation.	Two for criminals, and cannot be increased.
5. Number of apartments, distinguishing those of criminals from those of other prisoners?	15 cells and 2 day rooms for criminals. 3 cells and 1 day room for debtors.	2 rooms for criminals. 1 room for debtors.
6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?	13 male criminals - - 3 female criminals. 4 male debtors.	None.
7. The greatest number of prisoners confined during the year 1825, at any one time?	11 - - - - -	None.
8. Number of persons employed as keepers and under-keepers?	One keeper, who resides in a house which forms the entrance to the jail; and no under-keeper.	One keeper, who does not reside in the jail, or in any house connected with it.
9. Whether any airing-ground?	2 for criminals - - - 1 for debtors.	None.
10. Present state of repair?	Built within these few years, and in excellent repair.	Good repair.
11. By whom erected and maintained?	Erected and maintained by the commissioners of supply, under authority of the Act 59 Geo. 3d, c. 61.	By the royal burgh of Lauder
12. By whom regulated; if by printed regulations?	Regulated by a committee of justices of peace, called the police committee; no printed regulations as yet.	By the magistrates of the burgh; no printed regulations.
13. Any additional observations which may be deemed necessary?	There are also lock-up houses situated in Dunse, Ayton, Coldstream and Earlstone, and as temporary places of confinement for examination or re-examination.	Lauder jail may be abolished altogether as a county jail.

Dunse, 5 April 1826.

George Prat,
Sheriff Substitute.

6.—BUTE-SHIRE.

Bute-shire.

1. Name of each prison and where situated?—The jail or prison of, and situated within the burgh of Rothesay.

2. Whether common jail or house of correction?—Common jail.

3. Number of prisoners it is capable of containing?—Ten.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—No distinction of classes with respect to criminals who are confined together in the same apartments, except in the case of female prisoners, who are kept separate from the other prisoners. The size and accommodation of the prison will not admit of separating or classing the male prisoners; but this can be held of little moment with respect to this county, from there being seldom more than one or two criminal prisoners in confinement at any one time.

5. Number of apartments, distinguishing those of criminals from those of other prisoners?—Four apartments; two for the reception of criminals, and two of a better description for other prisoners.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Six male and one female criminals; and other prisoners, eleven male and one female; total nineteen.

7. The greatest number of prisoners in confinement during the year 1825, at any one time?—Ten.

8. Number of prisoners employed as keepers and under-keepers?—One jailer or keeper, with an occasional assistant, when, from the number of persons confined, an assistant may be considered necessary.

9. Whether any airing ground?—An open court or area is attached to the prison, into which the door of each apartment opens, and where such of the prisoners as wish it, are permitted to take an airing during certain hours.

10. Present state of repair?—The prison is at present in a respectable state of repair, a considerable sum having lately been expended upon it.

11. By whom erected, and maintained?—Erected by the magistrates of Rothesay, from the funds of the burgh, and maintained from the same source, without any aid from the county or other quarter, further than a voluntary donation a few years ago from the Marquis of Bute and the Earl of Glasgow, upon occasion of the jail undergoing repairs.

12. By whom regulated; if by printed regulations?—By the magistrates of Rothesay, by written regulations.

13. Any additional observation, which may be deemed important?—The accommodation which the prison of Rothesay affords, has been hitherto found sufficient for the number of criminal and other prisoners of an *ordinary* description usually confined. It is true, that from the foregoing return, it appears that ten persons were at one time confined; but it will be kept in view, that *seven* of these were for payment, or in satisfaction of fines and penalties incurred subsequent to the passing and under the operation of the Act 3 Geo. IV. c. 52. §§. 115–116. It is due to the exertions of the noble proprietor, his manager, and the local magistracy of the Island of Bute, to observe, that none of the seven prisoners so confined, were natives of, or residenters in, the Island of Bute, but were all natives of, or resident in, the Island of Arran; illicit distillation being effectually put down within the Island of Bute for many years past, from the judicious and strict measures enforced and followed out with that desirable end, by the noble proprietor and his manager. Should additional accommodation be required, as it obviously will be, if the system of imprisonment at present observed with respect to this class of offenders be continued, it may, in these

Bute-shire, *continued.*

these circumstances, be considered as a case of hardship, to call upon the community of Rothesay, or the proprietors of the Island of Bute, to provide or contribute to the additional accommodation which may be considered necessary. As such additional accommodation can only be called for avowedly for the confinement of crown delinquents, with a view to the present protection and ultimate benefit of the revenue, it merits consideration, whether a reasonable grant should be allowed by government for the erection of such necessary addition to the jail of Rothesay, or for the extension of the prison at the circuit town of Inveraray, so as to admit of all excise and crown delinquents being sent thither from the county of Bute, as well as those within the county of Argyle.

John Muir,
Sh. Sub. Buteshire.

3d April 1825.

7.—CLACKMANNAN-SHIRE.

Clackmannan-shire.

RETURN by Archibald Hill Rennie, Esquire, Sheriff Substitute of Clackmannanshire, to the order of the Committee of the House of Commons, respecting Prisons in Scotland.

IN obedience to the above order, the sheriff substitute of Clackmannanshire reports, That there is no prison belonging to the county of Clackmannan, excepting the barony prison of Alloa, the private property of the Earl of Marr, which is in ruins: and the prisoners from Clackmannanshire are committed to the prison of Stirling, in virtue of the Act of 55 Geo. 3. c. 109.

Arch. H. Rennie.

Alloa, 30th March 1826.

8.—DUMBARTON-SHIRE.

Dumbarton-shire.

1. Name of prison and situation?—The prison of the burgh and county of Dumbarton, is situated in the burgh of Dumbarton.

2. Whether common jail, or house of correction?—It is entirely a new erection, completed in December last. Before using it as a place of confinement, application for that purpose was made, as usual, to the Courts of Session and Justiciary. The petition to the latter court, after describing the building, craved that it might be declared "a legal prison, public "jail and house of correction for the town and county of Dumbarton."—But the judgment by the court merely declares the building a legal prison. If by so limiting the judgment, it follows, that commitments to the jail of Dumbarton are illegal, in cases where such commitments proceed under statutes authorizing confinement in houses of correction, then the benefit of many statutes will be lost to the county of Dumbarton; and among others, the important Act 4. Geo. 4th, c. 34, regarding the powers of justices to determine in cases between master and servant. The power of recovering Game Duties, &c. by commitment, will also be lost to the crown, under the Assessed Tax Act, 52 Geo. 3. c. 93, sec. L. rule 13. prosecutions under which statute are of frequent occurrence.

3. Number of prisoners?—As there are 15 apartments, it is supposed that the prison is capable of containing 30 prisoners, being two for each apartment.

4. Number of classes?—The building contains three divisions, the intention being to classify the prisoners, as far as possible, by separating criminals from debtors, and males from females. One division only, (containing seven apartments) was intended for criminals but the other divisions may be occasionally used for the purpose of classifying them, when not otherwise occupied.

Dumbartonshire, *continued.*

5. Number of apartments?—The number of apartments is 15. The division intended for criminals contains six cells or sleeping apartments, besides a day room. Each of the other divisions contains a day room and three cells. All of the divisions have wash-hand cisterns and water-closets. The building also contains a leaden cistern for hot or cold bathing, and a shower-bath.

6, & 7. Number of commitments in 1825?—The former jail was condemned upwards of two years ago, and the new building was only declared a legal prison in February last. There were consequently no commitments here, civil or criminal, in 1825. It appears, however, from the records here, that twelve criminals, all of them males, were committed, in 1825, to Glasgow jail, at the jail for Dumbartonshire, *pro tempore*, six of whom were in prison at one time. There is no mode of ascertaining the number of debtors so committed, in that year, nor if ascertained, would the numbers afford any correct result, as the expense of transmission to Glasgow, did, it is believed, deter creditors from imprisoning their debtors there. It is proper however to add, that before planning the jail, an inquiry took place as to the number of commitments for several previous years, (including that period when smuggling was at its height, and commitments for breach of the Excise laws, numerous,) and that the building was constructed so as to be capable of containing a number of prisoners considerably exceeding what had been known, at any one time, during that period.

8. Number of jailers?—There is only one person employed as jailer at present, and his appointment is temporary. The magistrates of Dumbarton have now under consideration, proposals from candidates for the office.

9. Airing ground?—The jail stands in an area of ground, containing 1 rood and 33 poles, surrounded by a wall 18 feet high. The front of the jail is 81 feet from the wall, and the back and each of the gables, about 36 feet. The unoccupied ground forms the airing ground, in which it is in contemplation to erect division walls, so as to separate one class of prisoners from another. The airing ground has been declared a part of the prison.

10. State of repair?—The prison is in complete repair.

11. By whom erected, and maintained?—It was erected by the magistrates and council of Dumbarton, with aid from the county to the extent of 5,000 *l.* under the authority of the Act 59 Geo. 3. c. 61. The burden of maintaining the jail falls on the burgh of Dumbarton.

11. Jail regulations?—The magistrates have not yet drawn up any set of regulations for the prison.

Although the jail of Dumbarton is considered as the only legal jail in the county, for the reception of criminals and debtors, it appears proper to subjoin the substance of a Return from the town clerk of Kirkintilloch, relative to the place of confinement, situated in that burgh.

KIRKINTILLOCH JAIL.

Kirkintilloch is a free burgh of barony, its present charter having been granted in 1670, by William, Count of Wigtoun. The territory of the burgh, including the town of Kirkintilloch, (the most populous in the county) contains about 4,000 inhabitants. Previous to 1813, the only place of confinement was very small, but in that year, an edifice of three stories was erected. The ground flat is not used for any particular purpose, but might be converted into a place of confinement. The second flat contains a town hall, and two apartments for the reception of prisoners, and the third flat is occupied as a schoolhouse and session house. It was erected at the expense of the burgh and heritors.

The burgh is governed by magistrates elected by the burgesses. The baillies judge in civil cases for debt to any amount, and take cognizance of petty delinquencies, which they punish by trifling fines and short imprisonment. But no commitments for debt have ever been made in their jail; in 1824, three persons were imprisoned, charged, one with petty theft, another with rioting, and the third with assault. It is stated, that persons charged with more serious offences are detained therein, till delivered to the county fiscal.

The

Dumbartonshire, *continued.*

The town clerk states that the want of prison accommodation has prevented the magistrates of Kirkintilloch from exercising a more extensive jurisdiction; and that the distance of the parish of Kirkintilloch, and of the adjoining parish of Cumbernauld, from Dumbarton, separated as these parishes are from the rest of the county, by parts of Lanarkshire, makes the want of prison accommodation in that district much felt, as such separation forms a bar to commitments in the county jail under the Small Debt Act; and is an obstacle to the transmission of criminals, without obtaining concurring warrants in Lanarkshire.

On these statements it may be remarked, that it seems rather to be the wish of the legislature to discourage the recovery of small debts by imprisonment; and that the obstacle as to transmission of criminals, may be removed by a general regulation applicable to those counties in Scotland, (of which there are several) where, as in Dumbartonshire, there are detached parishes, cut off by parts of other counties intervening.

Dumbarton,
7th April 1826.

Humphrey W. Campbell.
Sh. Substitute.

9.—DUMFRIES-SHIRE.

QUERIES.	DUMFRIES.	ANNAN.	LOCHMABEN.	SANQUHAR.
1. Name of prison, and where situated?	County jail, situated in Buccleuch Street, of Dumfries.	One common jail -	One jail or prison, situated below the town-hall, and within the burgh.	Town jail of Sanquhar.
2. Whether common jail, or house of correction?	Partly both.	No house of correction.	Common jail - -	A common jail.
3. Number of prisoners it is capable of containing?	Thirty prisoners -	In answer to queries 3d, 4th and 5th, there is one vaulted apartment on the ground floor, about 14 feet by 12 feet, in which criminals are detained; and one for debtors on the ground floor, and two on the upper floor, also for debtors, each about 14 feet by 12 feet.	Four prisoners -	Eight prisoners.
4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?	None. Cannot be classed or increased without a new building of the whole.	Answered above -	No criminals confined. Jail for debtors exclusively.	Not divided into classes.
5. Number of apartments; distinguishing those of criminals from those of other prisoners?	Four apartments for debtors; twenty-six for criminals, ten whereof in common jail, and sixteen in house of correction adjoining.	Answered in N° 3.	Two apartments, for debtors only.	Four apartments, two for criminals, and two for other prisoners. Also, a dungeon or black hole, which is understood to be perfectly secure.
6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?	Thirty-five males, and six females, by the county; 59 males and 23 females by the police; 43 debtors. In whole, 166 prisoners.	Five debtors; four for offences against the Excise laws, and for breaches of the peace 10, including one for theft removed to Dumfries. All males.	Five for debt, and all males.	Seven males, four being debtors, and three criminals. No female prisoners.
7. The greatest number of prisoners confined during the year 1825, at any one time?	Twenty-two prisoners, at one time, the greatest number.	Four for breaches of the peace, and five debtors.	- One only -	Five.
8. Number of persons employed as keepers and under-keepers?	One of each - -	Two brothers - -	- One - -	One. Occasionally assisted by his wife and family.
9. Whether any airing ground?	Airing ground for debtors, and an iron cage or grating for criminals.	None; but prisoners (supposed debtors) generally allowed the court or council room, which is within the jail, and equal in dimensions to the two debtors rooms on the same floor. It has three windows, and is aired from the High-street.	- None - -	None.

9.—Dumfries-shire—*continued.*

QUERIES.	DUMFRIES.	ANNAN.	LOCHMABEN.	SANQUHAR.
10. Present state of repair?	Good as ever -	The jail has undergone several expensive repairs of late, but a new one is necessary to be made, sufficiently secure and commodious.	Very bad; will require considerable repairs.	Good.
11. By whom erected, and maintained?	Built partly by the town, and partly by the county, and so maintained.	Erected and maintained at the expense of the burgh.	Uncertain by whom erected; maintained hitherto out of the common good of the burgh.	Erected by one of the late dukes of Queensberry, and maintained by the burgh.
12. By whom regulated; if by printed regulations?	By the magistrates. No printed regulations.	No printed regulations. Upon complaint by any prisoner, but which seldom happens, the magistrates inquire into it, and give directions as the case may require.	By the magistrates. No printed regulations.	By the magistrates. No printed regulations.
13. Any additional observations which may be deemed important?	- none. -	- none. -	It may be suggested, that if an iron railing were erected under the arcade, across the front of the town-house, or to which the door of the jail opens, it would afford the prisoners, in a limited degree, the advantage of one airing ground.	The prison, though in good repair, is, from its structure, (particularly in the debtors apartments) very insecure, and at the same time very unhealthy and uncomfortable.

7th April 1826.

W. Baillie,
Sheriff Substitute of Dumfries-shire.

10.—EDINBURGH-SHIRE.

Nº.	(1.) Name of each Prison, and where Situated.	(2.) Whether Common Jail or House of Correction.	(3.) Number of Prisoners it is capable of containing.	(4.) Number of Classes for Criminals, exclusive of Debtors; and whether they can be increased.	(5.) Number of Apartments:		(6.) Number of Prisoners committed in the Year 1825:			
					For Criminals.	For other Prisoners.	CRIMINALS.		DEBTORS.	
							M.	F.	M.	F.
1.	National jail of Scotland, situated on the Calton Hill, Edinburgh.	Common jail	106	5	54	14	285	57	529	27
2.	Lock-up house, situated in the Lawn Market of Edinburgh.	Common jail for criminals.	24	7, besides a black hole.	7, besides a black hole.	none	366	292	none	none
3.	Bridewell for the city and county of Edinburgh.	House of correction.	132	*See* note below.	184	none	396	707	none	none
4.	Canongate, situated in the Canongate of Edinburgh.	Common jail	30	2, cannot be increased.	2	8	20	2	304	30
5.	Leith jail, in town of Leith	Common jail	19	2	3	5	Old jail pulled down in 1824, and a new jail erecting.			
6.	Musselburgh jail, in town of Musselburgh.	Common jail	26	2; *see* note on page 65.	2	2	2	- -	15	3
7.	Dalkeith jail, situated in the town of Dalkeith.	Common jail for criminals.	10	Not classed	2	none	11	3	none	none

REMARKS explanatory of Table.—*Note:* The figures between parentheses ( ) refer to the number of the Columns in the Table.

1. National Jail of Scotland.—(Nº 3.) This jail at present, can easily contain 106 criminal prisoners, there being 38 cells, (8 feet 7 inches, by 6 feet 3½ inches), in each of which cells two prisoners can be confined, without any inconvenience; and there being 10 cells, (11½ feet by 6 feet 5 inches), in each of which three prisoners can be easily confined. The prison has been of late, sometimes, but not often, over crowded; but there are at present 10 sleeping cells occupied by debtors. These cells could accommodate 30 more criminals, so that if the debtors' jail were built, this jail could easily hold 136 criminals. All the cells are well ventilated; those fronting the Calton Hill, having each two windows 1 foot 7 inches by 1 foot 3 inches, and those fronting the court, having each a window, 3 feet by two feet. All these windows are glazed, and are secured by strong cast metal grating on the outside. (Nº 4.) Five classes, to which another, at present occupied

10.—EDINBURGH-SHIRE.

(7.) Greatest Number of Prisoners confined during the Year 1825, at any one time.	(8.) Number of Persons employed as Keepers and Under-Keepers.	(9.) Whether any Airing Ground.	(10.) Present state of Repair.	(11.) By whom Erected, and Maintained.	(12.) By whom Regulated; if by Printed Regulations.
141	9	7	Good	Erected by the Crown, city of Edinburgh, and county of Edinburgh, and maintained by the city of Edinburgh.	Printed regulations by lord provost, magistrates, and town council of Edinburgh, after having been revised and approved of by the lord president, lord justice clerk, and sheriff depute, of the county of Edinburgh, in terms of the statute 54 Geo. 3, c. 170. A copy of these regulations, for criminal prisoners, for debtors, and for prisoners under sentence of death, is herewith sent.—(*Not inserted.*)
45	1	none	Good	Erected by the Crown, city of Edinburgh, and county of Edinburgh, and maintained by the city of Edinburgh.	No printed regulations; but regulated by the printed regulations for Calton Hill jail, in so far as they apply.
205	7	Yes	Good, except in some particulars, such as sewers, &c.	City and county of Edinburgh.	Commissioners under the Act 31 Geo. 3, c. 57. The regulations are printed, and a copy herewith sent.—(*Not inserted.*)
38	3	none	In ordinary repair.	City of Edinburgh, as superiors of the regality.	By jail committee of the magistrates and town council of Edinburgh, and resident magistrates of the Canongate. Printed regulations in 1810, and a copy is herewith sent.
-	2	none	Not quite finished.	Magistrates of Edinburgh.	Magistrates of Edinburgh; regulations print in 1810; same as those for Canongate.—(*Not inserted.*)
5	3	none	In good repair, except flooring and joists of N° 1, in second story.	By the burgh of Musselburgh.	Has no printed regulations.
2	1	none	Good	The Duke of Buccleuch, superior of the barony.	The baron baillie; no printed regulations.

occupied by debtors, will be added, when a debtors' jail is built, and an infirmary ward. (N° 5.) Total number of apartments is 68, namely, five day rooms, 48 night cells, and one infirmary room, at present occupied by criminals; one day room, 10 night cells and three infirmary rooms, at present occupied by debtors. (N° 7.) Of these 141, twenty-three were male debtors, 80 male criminals, and 38 female criminals. The greatest number of criminals at any one time, was 118; the number of debtors at the same time was 23; total, 141. The greatest number of debtors at any one time, was 48; criminals at same time, 71; total, 119. (N° 8.) Keepers, viz. a governor, four turnkeys, a porter, a night watchman, a female cook, and one assistant. The governor, one turnkey, and cook, reside in the jail, and a watchman walks about within the boundary walls all night. (N° 9.) Of the seven airing grounds, five are at present allotted for criminals, one for debtors, and one for infirmary ward.

Edinburgh-shire, *continued.*

Additional Observations:—There are eight water closets; one in each yard, and one for the turnkeys. There is a chaplain who performs divine service every Sunday, and a schoolmaster who attends two hours of every day.

2. Lock-up House.—(N° 3.) Intended only to contain 24, but of late it has often been overcrowded; the prisoners are however not long detained in the lock-up house, as they are chiefly from the Police Court, for caution, or sheriff's prisoners during precognition. (N° 5.) One room and closet, occupied by the keeper; a store-room, and seven criminal rooms, and a black-hole. (N° 7.) 36 males, and nine females. (N° 8.) One keeper, assisted occasionally by an officer from the police establishment. The governor of the Calton Hill jail, has charge of the lock-up house, also.

Additional Observations:—Two water closets in good repair. The chaplain of the Calton Hill jail, visits frequently.

3. Bridewell.—(N° 3.) Capable of containing not exceeding 132 prisoners, unless part are in the hospital, or more than one in each of the sleeping cells, which, from their small dimensions, (7½ feet by 6 feet), do not well admit of more than one individual in each. (N° 4). There are four different flats or stories, besides the hospital ward. Two of these are occupied by males, and two by females. Agreeably to the instructions of the Act of Parliament, 31st of Geo. 3, c. 57, the prisoners, as far as the nature of their several employments will permit, are kept separate and apart from each other, during the day, and always so during the night, unless when they exceed the number that the prison can thus accommodate. At the date of this Return, the number in custody being only 85, the classification contemplated by the statute is of course observed. (N° 5.) There are 52 day cells, (the general size of each is 15 feet by 9, but four are about two feet wider), and 132 sleeping cells, exclusive of store-rooms and hospital ward. (N° 7.) 85 males, and 120 females, then in custody; total 205, as before stated. Greatest number of females at one time, 127; males then in custody, 53; total, 180. (N° 8.) Seven keepers, viz. one governor, one governess, one workmaster, three turnkeys, and one female housekeeper. The governor and governess have a house within the walls, in which they constantly reside. One of the turnkeys has also a permanent place of residence at the prison, and one of the other turnkeys or workmaster, by turns, remains within the prison all night. The female housekeeper also resides constantly in the prison. (N° 9.) Airing grounds, a court-yard between governor's house and the prison, where prisoners are occasionally allowed to walk; and there is also a large space around the prison, laid out in vegetables for the establishment.

Additional Observations:—Privies.—There are three water closets in each flat, but not used, on account of the bad state of the sewers. A privy has been constructed in each of the male wards, but disconnected with the sewers.

Religious and Moral Instruction.—There is a chaplain who attends on Sundays and Wednesdays, for the performance of divine service, and visits occasionally at other times. The schoolmaster attends for two hours daily, except on Sundays. A pious person also usually gives the prisoners a religious exhortation and prayers, every Sunday morning, previously to the attendance of the chaplain.

For a further description of this Bridewell, the Committee are referred to the description in the Appendix to the Report of the Committee of the House of Commons, in 1818, on the Petition of the Royal Burghs of Scotland, respecting jails. It is stated in that description, that the principal defect of the building consists in the facility with which the prisoners can communicate and see each other, in the front working cells. This defect was remedied about five years ago, by a species of blinds, put upon the stancheling of the front working cells, looking towards the chapel. These blinds are of strong plate iron, in leaves of eight inches broad, rivetted to the inside of the upright bars of the stancheling; each upright bar, and consequently each leaf of the blind, is five inches apart, and as the blinds stand at right angles to the front of the cell, the diagonal line of view across the semi-circle is almost entirely cut off, while the central inspection remains entire. It is only towards the extremes of the semi-circle that any glimpse of the interior of one cell, viz. that towards the opposite extreme, can be had from another; and this is so extremely slight, as to be of no consequence.

4. Cannongate Jail.—(N° 4.) Classes.—One for male criminals, and one for females. (N° 5.) Apartments—Eight for debtors, and two for criminals, besides a hall and two closets or consulting rooms. (N° 7.) Of these 38, thirty-seven were debtors, and one a criminal; 34 of the debtors males, and three females; the criminal, a male. The greatest number of debtors at one time, was 34 males, and three females, and one male criminal; total, as before stated, 38. The greatest number of criminals at any one time, three males, and two females. Greatest number of debtors at same

Edinburgh-shire, *continued.*

time, 18 males and two females; total, 25 debtors and criminals. (N° 8) One keeper, one turnkey, and a female servant. The keeper of the prison resides about 500 yards from it; the keys are every night taken to the keeper, and no person having any charge sleeps within the jail, which in case of fire, or a prisoner being taken suddenly ill, might prove dangerous.

Additional Observations:—There is one water closet. A chaplain comes for one hour, every Sunday; but no schoolmaster attends.

5. Leith Jail.—(N° 2.) Not yet finished; will consist of the principal building to the front, and a small wing behind. There will be three floors above the ground floor, in the principal building, and four floors above the ground floor in the wing. The ground floor, both in the principal building and the wing, is intended for a police office, and six or seven police cells, and two water closets. The court room is in the first floor of the principal building, the clerks office in the second floor, and the apartments for debtors on the third floor. There are two apartments for town officers during the day in the first floor of the wing, two apartments for the jailer's house on the second floor, part of the town clerk's office is on the third floor, and the cells for criminals on the fourth floor. (N° 3.) Four criminals and fifteen debtors. (N° 5.) There is an outer room for criminals during the day, 12½ feet by 12 feet, and medium height 8 feet 10 inches; there is a window and a fire-place in this room, and off it there are two cells; one 8 feet by 6 feet 11 inches, the other 8 feet by 6 feet 9 inches. The apartments for the debtors consist of a public room for them during the day, and four sleeping cells; the public room is 21½ feet by 15 feet 1 inch; one of the sleeping cells is 16 feet by 8 feet 7 inches, another one 12½ feet by 11 feet 1 inch, the third is 12 feet by 10½ feet, and the fourth 8 feet 9 inches by 4 feet 9 inches. The public room and four cells for debtors are each of them 9 feet high; there are four windows in the public room, and one window in each of the sleeping rooms: these windows, as also the window in the outer room of the criminal cells, are each of them 3 feet by 3. There is a fire-place in all the five apartments for the debtors, except the small sleeping cell. (N° 8.) Keeper and under-keeper:—The keeper's apartments have already been described.

Additional Observations:—There is a water closet connected with the debtors apartments; no chaplain or schoolmaster attends the jail. The criminal cells will be fully sufficient for the security and accommodation of the criminals; as in general, the criminals will, as soon as possible, be removed to Edinburgh to be examined by the sheriff.

6. Musselburgh Jail.—(N° 2.) The ground floor of the jail of Musselburgh contains two apartments for the jailer, a weigh-house, and an entry to the market, in which entry there is kept a fire engine. The first story contains two rooms for debtors; the second story contains a large apartment, and a lock-up room for prisoners. (N° 3.) Seventeen criminals and nine debtors. (N° 4.) Two, but can be increased, as one of the rooms allotted for criminals is a large room 48½ feet long, by 17 feet 9 inches; medium height 11 feet 2 inches. This room has four windows, each 2 feet 8½ inches by 1 foot 8 inches, and could be divided into four apartments. An additional apartment might also be taken off the lobby of the first floor; this apartment would be 13 feet 7 inches by 11 feet 6 inches. (N° 5.) The large apartment for criminals already mentioned, and a small lock-up place 9 feet long by 6½ wide; medium height 10 feet. This lock-up place has a stone floor, and is lighted from the roof. Of the two apartments for debtors, one is 18 feet 2 inches by 17 feet 2 inches, height 11 feet 3 inches; it has a window 4 feet by 2 feet 10 inches; the other room for debtors is 15 feet 7 inches by 8½ feet, and is 11 feet 10 inches in height; it has a window 4 feet by 2½ feet. The debtors rooms have each of them a fire-place, are well ventilated and comfortable. (N° 7.) Of the above five, three were male debtors and two male criminals. (N° 8.) One jailer and two assistants.

Additional Observations:—There is one privy, but on a bad construction, as it is a large pit without any outlet, and cannot be cleaned but by excavating the wall. There is no chaplain or schoolmaster. This jail is quite sufficient for the security and accommodation of the number of prisoners put into it; as in general the criminals are removed to Edinburgh as soon as possible.

7. Dalkeith Jail.—The first floor contains a weigh-house for weighing grain, a guard-house for any regulars or militia, quartered in Dalkeith, 16 feet 2 inches by 14 feet 6 inches, and one cell or black hole, 14 feet by 11 feet 6 inches; 8 feet 6 inches in height. This cell is ventilated by an opening above the door, 1 foot by 2 feet 6 inches, and has a large fire-place. The second floor contains a court room and one cell, 16 feet 2 inches by 14 feet 6 inches, and 12 feet high; has a fire-place and two windows, 5 feet by 3 feet, with iron bars outside, the top part glazed, and has a tirlas; and in the lower part there are iron shutters, which can be occasionally opened. This room is well aired. This jail is sufficient for the security and accommodation of all the prisoners committed to it; as it is not used for debtors, but only for criminal prisoners for a night or two before sending them to Edinburgh, or at times for persons committing small misdemeanors within the

Edinburgh-shire, *continued.*

the barony. (N° 6.) None of these above two nights; all criminals or rioters. (N° 8.) The keeper of the prison resides at about one hundred and twenty yards from it, and the keys are always with him; no person having any charge of the jail sleeps within it.

Additional Observations:—There is no privy nor water closet; there is no chaplain nor schoolmaster.

A^d Duff,
Sheriff Depute of the County of Edinburgh.

Edinburgh, 8ht April 1826.

11.—ELGIN-SHIRE.

Elgin-shire.

1. Name of each prison and where situated?—There are two prisons, the one in the royal burgh of Elgin, commonly called the Elgin or county jail. The other in the royal burgh of Forres, called the Forres jail.

2. Whether common jail or house of correction?—Both are common jails.

3. Number of prisoners it is capable of containing?—As to the Elgin jail, it is a square tower of five stories, in the centre of the street. The ground floor has been used as a guard house for any military when in town, but never used as a place of confinement. The second floor is used as a debtors room. The third, also, has a debtors room. The fourth is, properly speaking, the criminal prison, where culprits are confined, and the upper story is also used as a debtors room, but it is not habitable from the rain penetrating from the vaulted roof; and from the jailer's information to me, the rain partly descends to the under apartments. From this account of the jail, the Committee will perceive the accommodation is very limited, and can properly contain few prisoners; but in practice, however many persons may be under sentence of imprisonment, they must be here confined. As to the Forres jail, it is also a square tower in the centre of the street; there are only two apartments in it, that it is possible to place prisoners in; the one is used for criminals and the other for debtors. This jail is in a ruinous state, rent from top to bottom in different places, and in my opinion dangerous to place prisoners in. There is no possibility of classifying the prisoners, in either of these jails, from the small number of apartments, further than when females and males are confined at one time, by placing them in different apartments.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—Answered under question third.

5. Number of apartments, distinguishing those of criminals, from those of other prisoners?—Answered also by number third.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—The whole number of prisoners committed in 1825, were 31, whereof 22 were criminal prisoners, including those for offences against the revenue laws. Three of these for offences against the revenue laws were females, and nine civil debtors, all males.

7. The greatest number of prisoners confined during the year 1825, at any one time?—Seven.

8. Number of persons employed as keepers and under-keepers?—There are four town officers who act as jailers, each officiating one week alternately. There are no under-keepers.

9. Whether any airing ground?—There are no airing grounds attached to either of these jails. But the prisoners at Elgin, have access to the top of the tower for fresh air. There is no such access to them at Forres.

10. Present

10. Present state of repair?—The Elgin jail, as already mentioned, is in a very bad state of repair; and the Forres jail is also in a ruinous state, and dangerous as already mentioned, to place prisoners in. They are both destitute of every convenience for prisoners.

11. By whom erected, and maintained?—The jail of Elgin, so far as I have been informed, was built in the year 1717, partly out of the funds of the burgh, and partly by voluntary subscriptions, and has since been kept in repair out of the town's funds. But as to the Forres jail, I cannot discover by whom it was erected. It has in like manner been maintained at the expense of the burgh.

12. By whom regulated; if by printed regulations?—Regulated by the magistrates of the burghs; no printed regulations.

13. Any additional observations, which may be deemed important?—In addition, I have only to state, that both prisons are of the most inconvenient and worst condition, ill aired, and ventilated, without any necessary convenience or accommodation. The sheriff substitute was in the year 1822, appointed one of a committee, by the county, to inquire into the state of these jails, who were of opinion, that both jails were in such a state, that the county ought to see the propriety of erecting new jails; and reported to the county accordingly, but nothing was done in consequence thereof.

Geo. Fenton,

Elgin, 3d April 1826 Sheriff Substitute.

12. - FIFE-SHIRE.

	1.		2.	3.	4.	5.			6.			
BURGHS.	N° of Prisons.	Where Situated.	Common Jail, or House of Correction.	Number of Prisoners it is capable of containing.	Number of Classes for Criminals, exclusive of Debtors, and whether they can be increased.	Number of Apartments, distinguishing those for Criminals from those for other Prisoners.			Number of Prisoners Committed in the Year 1825; distinguishing Criminals from Debtors, Males and Females.			
						Criminals.	Debtors.	Total.	Criminals.	Debtors.	Males.	Females.
Cupar - -	1	In burgh	Common Jail	30	None and cannot be increased.	5	5	10	20	4	21	3
Auchtermuchty	1	ditto	ditto	4	none	1	1	2	3	- -	3	- -
Falkland -	1	ditto	ditto	4	none	1	1	2	2	5	7	- -
Newburgh -	- - -	- -	No jail.	—	—	—	—	—	—	—	—	—
Anstruther Easter	1	In burgh	Common jail	4	none	1	1	2	1	- -	1	- -
D° Wester	1	ditto	ditto	Not used but occasionally to confine a vagrant for a night; quite insecure.		—	—	—	—	—	—	—
Crail - -	1	ditto	ditto	4	none	1	1	2	none	- -	- -	- -
Earlsferry -	1	ditto	ditto	4	none	1	1	2	none	- -	- -	- -
Kilrenny -	1	ditto	ditto	4	none	1	1	2	none	- -	- -	- -
Pittenweem -	1	ditto	ditto	6	none	1	2	3	1	1	2	- -
St. Andrews -	1	ditto	ditto	6	none	2	1	3	5	3	7	1
Burntisland -	1	ditto	ditto	4	none	1	1	2	3	- -	3	- -
Dysart - -	1	ditto	ditto	6	none	2	1	3	none	- -	- -	- -
Kinghorn -	- - -	- -	In ruins, but a new one about to be erected.			—	—	—	—	—	—	—
Kirkaldy -	- - -	- -	In ruins, but a new one erecting of following dimensions:—			6	4	10	- -	- -	- -	- -
Dumfermline -	1	ditto	Common jail	10	none	4	1	5	9	7	14	2
Inverkeithing -	1	ditto	ditto	8	none	2	2	4	none	- -	- -	- -

12.—FIFE-SHIRE.

7. Greatest Number of Prisoners Confined during the Year 1825, at any one time.	8. Number of Persons employed as Keepers and Under-Keepers.	9. Whether any Airing Ground.	10. Present state of Repair.	11. By whom Erected, and Maintained.	12. By whom regulated; if by Printed Regulations.	13. REMARKS.
9	2	Yes	Good	Burgh and County	Magistrates; with printed regulations.	In general the Jails in the County of Fife are of the worst possible description, and in the worst order, arising from the poverty of the burghs, who are bound by law to maintain them. At the same time it may be remarked, that many of them are of no use, as there are comparatively few criminals in the county, and when it happens that any criminal is apprehended in the outskirts, he or she are generally sent forthwith to Cupar, where though the jail is too small and very inconvenient, there is better accommodation than any where else.
2	1	none	Sufficient	- - Burgh - -	Magistrates, no printed regulations.	
4	1	none	Good	- - ditto - -	- - ditto - -	
—	—	—	—	—	—	
1	1	none.	Indifferent	- - ditto - -	- - ditto - -	
—	—	—	—	—	—	
- -	1	none	Crime cell bad; Debtors good.	- - ditto - -	- - ditto - -	
- -	1	none	Indifferent	- - ditto - -	- - ditto - -	
- -	1	none	Bad	- - ditto - -	- - ditto - -	
1	1	none	Good repair	- - ditto - -	- - ditto - -	
4	1	none	Bad	- - ditto - -	- - ditto - -	
3	1	none	Indifferent	- - ditto - -	- - ditto - -	
- -	1	none	Insecure	- - ditto - -	- - ditto - -	
—	—	—	—	—	—	
- -	—	Yes	- -	- - ditto - -	- - ditto - -	
5	1	none	Good	- - ditto - -	Magistrates, by printed regulations.	
- -	1	none	In good repair.	- - ditto - -	ditto - - no printed regulations.	

Andrew Clephane,
Sheriff Depute of Fife.

13.—FORFAR-SHIRE.

QUERIES.	FORFAR.	DUNDEE.
1. Name of each prison, and where situated?	Prison of Forfar, in the royal burgh of Forfar.	Prison of Dundee, in the royal burgh of Dundee.
2. Whether common jail, or house of correction?	Common jail - - - -	Common jail - - - -
3. Number of prisoners it is capable of containing?	Twelve prisoners - - -	Thirty-nine prisoners have actually been confined in it at one time; but it is not suited for containing so large a number.
4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?	There is no classification of prisoners. The number of cells cannot be increased.	In consequence of the want of accommodation, there is no classification of criminals regularly established, and constantly acted on, except that the males and the females are kept separately in different floors of the building. When the state of the jail permits it, every care is taken to keep the persons who are not hardened in guilt, separate from offenders of a more hopeless character. But it seldom happens that the accused can be kept separate from the convicted.
5. Number of apartments, distinguishing those of criminals from those of other prisoners?	One cell for debtors, and four for criminals.	Two apartments for civil debtors; two for males accused or convicted of crimes; two for females accused or convicted of crimes; and two occasionally used for solitary confinement for prisoners who have been noisy or troublesome in the common apartments, but not sufficiently secure for the more desperate class of offenders.
6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?	Fifty-one criminals, of whom two were females, and nine debtors, all males.	Two hundred and fifty-two criminals; of whom, one hundred and fifty-two were males, and one hundred females. Forty-eight debtors; of whom, forty-one were males and seven females.
7. The greatest number of prisoners confined during the year 1825, at any one time?	Eight criminals, and two debtors -	Thirty criminals, and nine debtors; in all, thirty-nine.
8. Number of persons employed as keepers and under-keepers?	One - - - - - -	One keeper, and one under-keeper.
9. Whether any airing ground?	No airing ground - - -	No airing ground - - -
10. Present state of repairs?	One of the four cells for criminals is at present in disrepair, owing to an escape from it lately.	Good repair - - - -
11. By whom erected, and maintained?	Erected by the magistrates of Forfar, aided by a subscription from individuals. Maintained at the expense of the corporation of the burgh.	Corporation of Dundee - -
12. By whom regulated; if by printed regulations?	Regulated by the magistrates of Forfar. No printed regulations.	Regulated by the magistrates of Dundee, by printed regulations, a copy of which accompanies this report.
13. Any additional observations, which may be deemed important?	The jail would be sufficient for debtors, inhabitants of the burgh, or criminals convicted of offences committed within it; but debtors and criminals are frequently sent to it from other parts of the county, which renders it insufficient to accommodate all of them properly.	The prison of Dundee is fully sufficient for detaining persons accused and convicted of offences committed within the burgh; but the greater proportion of the delinquents in this jail are imprisoned on account of crimes committed beyond the burgh.

7th April 1826.

13.—FORFAR-SHIRE.

ARBROATH.	MONTROSE.	BRECHIN.
Prison of Arbroath, in the royal burgh of Arbroath.	Prison of Montrose, in the royal burgh of Montrose.	Prison of Brechin, within the royal burgh of Brechin.
Common jail	Common jail	Common jail.
Fourteen	Four	Eight or nine.
Two apartments, exclusively for criminals, which cannot be increased.	Two apartments for criminals. The want of proper accommodation prevents any other species of classification. The apartments cannot be increased without additional buildings.	One room for debtors, and two for criminals. They could not be easily increased.
Five cells for debtors and two for criminals; in all, seven apartments.	Two apartments for criminals, and one for other prisoners.	One apartment for debtors, and two for criminals.
Twenty-two; of whom eight were male criminals, one a female criminal, eight male debtors, and five female debtors.	Fifteen prisoners; viz. eight debtors, of whom seven were males, and one a female; and seven criminals, six of whom were males.	Nine criminals, of whom seven are males, and two females. Seven debtors, of whom six are males, and one a female.
Twelve	Five	Seven.
One principal keeper and one under-keeper.	One person as keeper	One regular jailer, with two occasional assistants.
No airing ground	No airing ground	No airing ground.
In good repair, and pretty secure.	In very bad repair, and very insecure, especially for criminals of desperate character.	Pretty good repair.
Erected and maintained by the magistrates and town council of Arbroath from the funds of the community.	Erected by the magistrates and council from the funds of the burgh, and maintained from the same source.	Erected and maintained by the corporation of Brechin.
The magistrates and council. There are written, but not printed regulations.	Regulated by the magistrates. No printed regulations.	The magistrates of Brechin. There are no printed regulations.
None	In the hope of some general measure being adopted for a common jail for several of the adjacent jurisdictions, the magistrates of Montrose have hitherto forborne making any great or expensive repairs.	The burgh of Brechin, being upon the confines of the county of Kincardine, in which there is no jail for debtors, is loaded with more than its own proportion of civil prisoners.

James L'Amy,
Sheriff Depute of Forfarshire.

14.—HADDINGTON-SHIRE.

1.	2.	3.	4.	5.			6.				
Name of each Prison, and where situated.	Whether Common Jail, or House of Correction.	Number of Prisoners it is capable of containing.	Number of Classes for Criminals, exclusive of Debtors, and whether they can be increased.	Number of Apartments, distinguishing those of Criminals from those of other Prisoners.			Number of Prisoners committed in the Year 1825; distinguishing Criminals from Debtors, and Males from Females.				
							CRIMINALS.		DEBTORS.		Total.
				For Criminals	For other Prisoners.	Total.	Males.	Females	Males.	Females.	
1. Haddington - -	Common Jail.	If two prisoners for each apartment, in all 20	No classification of criminal prisoners.	6	4	10	84 The greater proportion of these prisoners were vagrants and disorderly persons, committed by the magistrates of the burgh, and frequently liberated next day.	26	9	- -	119
2. Dunbar - -	ditto	If two for each apartment, four in all.	ditto	1	1	2	13 A great proportion of these disorderly vagrants, committed for a night.	6	1	- -	20
3. North Berwick -	ditto	4	ditto	1	1	2	1	- -	1	- -	2

14.—HADDINGTON-SHIRE.

7.			8.	9.	10.	11.	12.	13.
The greatest Number of Prisoners confined during the Year 1825, at any one Time.			Number of Persons employed as Keepers and Under-Keepers.	Whether any Airing Ground.	Present State of Repair.	By whom Erected, and Maintained.	By whom Regulated; if by printed Regulations.	Any additional Information, which may be deemed important.
Criminals.	Debtors.	Total.						
6	2	8	One person as keeper.	No airing ground.	This prison is in a good state of repair, and is sufficiently secure, with the exception of one apartment for debtors, which is now seldom used; the four lower cells for criminals are, however, very damp, and ill ventilated; the want of water-closets, or the like conveniencies, are severely felt.	By the magistrates, out of the burgh funds.	The jailer takes his instructions *verbally* from the magistrates, and there are no printed or written instructions.	No additional observations occur.
5	- -	5	ditto	ditto	In very bad repair, and not secure.	ditto	ditto	
1	or 1	1	ditto	ditto	In very bad repair, and not secure.	ditto	ditto	

J. Graham,
Sheriff Sub.

15.—INVERNESS-SHIRE.

Portree Prison.

Inverness-shire.

1. Name of each prison, and where situated?—*Portree* prison, situated in the village of Portree, in the Island of Skye, and county of Inverness.

2. Whether common jail, or house of correction?—Common gaol, or more properly speaking, a lock-up house, for the temporary confinement of criminals till they are sent to Inverness; and of persons convicted by the justices and sheriff of the district of Skye, of petty crimes, and sentenced to a short imprisonment.

3. Number of prisoners it is capable of containing?—Four; and occasionally five and six have been confined in it.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—No classification; no debtors admitted.

5. Number of apartments, distinguishing those for criminals from those for other prisoners?—Four apartments, all for criminals; no other prisoners admitted.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Five male prisoners convicted of petty thefts; no females.

7. The greatest number of prisoners confined during the year 1825, at any one time?—Two males.

8. Number of persons employed as keepers and under-keepers?—One person only, as keeper.

9. Whether any airing ground?—No airing ground.

10. Present state of repair?—Some repairs of the roof and doors are stated to be necessary; but otherwise it is secure.

11. By whom erected, and maintained?—By the late Lord Macdonald; and the keeper paid by the county.

12. By whom regulated; if by printed regulations?—The sheriff substitute of the Skye district of the county. No printed regulations.

13. Any additional observations, which may be deemed important?—This prison is essentially useful for preserving the police of the island, on account of the distance from Inverness, and the enormous expense that would otherwise be incurred by sending to Inverness for confinement, persons convicted of petty crimes, assaults, rioting, and the like.

W^m Fraser Tytler,
Sheriff Depute of Inverness-shire.

Kingussie Prison.

1. Name of each prison, and where situated?—*Kingussie* prison, situated in the village of Kingussie, district of Badenoch, and county of Inverness.

2. Whether common jail, or house of correction?—Common jail, or more properly speaking, a lock-up house, for the temporary confinement of criminals till sent to Inverness, and of persons convicted by the justices of petty offences, and sentenced to a short imprisonment.

3. Number of prisoners it is capable of containing?—Five.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—No classification.

5. Number of apartments, distinguishing those for criminals from those for other prisoners?—Two; one for criminals, and one for other persons convicted of petty offences.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Two males, one a criminal, and the other a debtor.

7. The greatest number of prisoners confined during the year 1825, at any one time?—One criminal; and two for a short time, convicted of rioting.

8. Number of persons employed as keepers and under-keepers?—One keeper.

9. Whether any airing ground?—No airing ground.

10 Present state of repair?—The jail requires some trifling repairs.

11. By whom erected, and maintained?—Erected by subscription of the heritors of the district, and maintained by the county.

12. By whom regulated; if by printed regulations?—Regulated by the resident justices of the peace of the district; no printed regulations.

13. Any additional observations, which may be deemed important?—The jail is by no means sufficient or secure.

W^m Fraser Tytler,
April 9, 1826. Sheriff Depute of Inverness-shire

Grantown Prison.

1. Name of each prison, and where situated?—*Grantown* prison, situated in the village of Grantown and county of Inverness.

2. Whether common jail, or house of correction?—Common jail, or more properly speaking, a lock-up house, for the temporary confinement of criminals, till sent to Inverness; and of persons convicted by the justices of petty crimes, and sentenced to a short imprisonment.

3. Number of persons it is capable of containing?—Four.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—No classification.

5. Number of apartments, distinguishing those for criminals, from those for other prisoners?—Two, solely for criminals; no other prisoners.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Two; one male and one female, for breach of the peace; no debtors admitted.

7. The greatest number of prisoners confined during the year 1825, at any one time?—One only.

8. Number of persons employed as keepers and under-keepers?—One keeper employed.

9. Whether any airing ground?—No airing ground.

10. Present state of repair?—In good repair, and sufficiently secure.

11. By whom erected, and maintained?—Erected by the late Sir James Grant; and the keeper paid by the county.

12. By whom regulated; if by printed regulations?—The justices of the peace of the district; no printed regulations.

Inverness,
4th April 1826.

Wm Fraser Tytler,
Sheriff Dep. of Inverness-shire.

Inverness Prison.

1.—Name of each prison, and where situated?—Prison of *Inverness*, situated in the town of Inverness, the only royal burgh in the county.

2.—Whether common gaol, or house of correction?—Common gaol.

3.—Number of prisoners it is capable of containing?—Occupied occasionally by thirty-two prisoners, but not capable of containing with any propriety more than twenty-four.

4.—Number of classes for criminals, exclusive of debtors; and whether they can be increased?—No classification for criminal prisoners, nor the possibility of making any. The criminal prisoners are confined below on the same floor of the prison; and the females are confined separate from the male criminals in the same floor, but in a room, which at circuits is necessarily used as a room for inclosing witnesses. The length of the last mentioned room is twelve feet by ten and a half in breadth. The debtors are confined on the upper floor, and have no communication with the criminals.

Number of apartments, distinguishing those of criminals from those of other prisoners?—The gaol consists of four cells for criminals, which are nine feet in length by six and a half, and eight and a half feet in breadth; the height of the cells is seven feet six inches, and seven feet ten, exclusive of the room before mentioned, where females are confined. The rooms on the second floor, for the confinement of civil debtors, consist of four apartments; the first sixteen by sixteen, the second twenty-one by sixteen, the third nineteen by nine, the fourth seventeen by nine, and from eight to nine feet in height, exclusive of a room generally used for keeping the books of the prison, and at circuits for inclosing witnesses, but occasionally used for the confinement of female debtors.

6.—Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—The number of prisoners committed in the year 1825, were one hundred and fifteen, of whom forty-seven were criminals and sixty-eight civil prisoners; of the criminals, forty were males and seven females, and of the civil prisoners, sixty-two were males and six females.

7.—The greatest number of prisoners confined during the year 1825, at any one time?—Twenty-two.

8.—Number of persons employed as keepers and under-keepers?—By a late arrangement, the number of persons employed consist of one head gaoler, one turnkey, and a woman employed for cleaning the jail.

9.—Whether any airing ground?—No airing ground, nor the possibility of having any, the jail being situated in the centre of the burgh, and closely surrounded by buildings.

10.—Present state of repair?—In good repair, and sufficiently secure.

11.—By whom erected and maintained?—Built and maintained by the burgh of Inverness.

12.—By whom regulated; if by printed regulations?—Regulated by the magistrates, according to printed regulations, a copy of which is affixed to the several apartments.

13.—Any additional observations, which may be deemed important?—The criminal cells are too small for the confinement of two prisoners each, and not very suitable to confinement before trial, even of one. They are very dark, deriving their only light from an aperture in the wall, one foot square, opening into the passage from which the different cells enter. This passage is about forty feet long by five broad, lighted and aired by windows to the street, and is the only place where the prisoners have the exercise of walking; it is open to them for this purpose during the day. There are no fire-places in any of the cells. The other apartments have each a fire-place, and are well lighted and aired.

In the apartment before mentioned, for the confinement of female prisoners, which is twelve feet by ten and a half, there are at present five female prisoners, one of whom from Ross-shire, under sentence of transportation, has been confined in that apartment for five years, and maintained at the expense of the burgh of Inverness.

Wm Fraser Tytler,
Sheriff Depute of Inverness-shire.

Inverness, 4 April 1826.

REPORT of the Committee to whom the Commissioners of Supply and Heritors of the County of Inverness, in general meeting held on the 4th of October 1825, referred a communication, on the subject of Alimenting Prisoners, addressed by Mr. John W. Mackenzie, Convener of a Committee appointed by the Royal Burghs of Scotland, met in Convention, on the 12th July 1825, to the Convener of the County of Inverness, with instructions to Examine and Report on the subject thereof, and with a recommendation to extend their inquiries to the State of the Jails generally, and of the law regarding the Expense of Maintaining, and Erecting them, and to report on the said matters.

YOUR Committee have proceeded to consider the subject of the communication expressly referred to them, as well as that to which it is recommended to them to extend their inquiries, with the attention which their intimate connexion with the due administration of justice demands.

They suppose it will be admitted, that part of the complaint made by the royal burghs, of the state of the law regarding the maintenance of prisoners, is well founded; and that the condition of the greater part of the jails in Scotland, and the want of any means to improve them, are such as to call for an immediate remedy. It is to be observed, however, that the burden of maintaining convicts, and of supporting the jails, is imposed by law on the burghs of Scotland, as the most important part of the public services they are bound to perform, in consideration of the grants of land, and duties, and of the privileges and immunities conferred on them by their charters. If, as in the case of maintaining convicts, they can show that part of this burden has come to be cast unequally on certain burghs, these burghs are entitled to desire that the inequality be removed. But the burghs, generally, can have no right to apply to be relieved of burdens coeval with their constitution; unless where they can show that they have grown to a weight exceeding what could have been originally contemplated, and beyond what can now in equity be imposed on them.

On the other hand, it is obvious, that the erecting and maintaining a sufficient number of jails, adequate in their construction at once to the purposes of justice and humanity, and the due governing of such jails, are matter of public and general necessity, in which it is not the question what the burghs ought to do, but what, in their actual condition, they can do.

Your committee believe it will be found, that their actual means are very inadequate to the due discharge of their duty in this most important matter. Be the causes of their present poverty what they may, in examining its bearing, first, on their power to maintain prisoners after conviction, and, secondly, to keep up the necessary jails in a suitable condition, it is necessary to consider in what way the burdens cast on them by law, may be most equitably and reasonably apportioned among them, so far as they are able to bear them,—how the deficiency ought to be made up,—and how the due administration of the funds, and the due government of the jails, may be best provided for.

In regard to the first of these burdens, the expense of maintaining persons convicted, it will be to be considered how far the revenues of the burghs would be sufficient for the performance of this duty, if they were relieved of the expense of erecting, maintaining, and governing the jails, to the extent which it will be the duty of your committee to recommend. In what manner this expense ought to be apportioned among them,—whether they ought to be relieved of the expense of maintaining convicts sentenced to transportation, or to long periods of imprisonment,—or to what further extent, appear to your committee to be questions rather for adjustment between the burghs and government, and for the consideration of Parliament, on the application of the burghs, than one which concerns the counties of Scotland, or in which they have any right to interfere. If it shall be proposed to assess the counties for this purpose, your committee think this ought to be resisted, for reasons they will state. But their main view of the whole of the momentous subject referred to them by the county, is, that, although the stirring of this minor point on the present occasion, affords an excellent opportunity for going into the larger and more general question, the taking up the lesser matter by itself would only tend to carry off the attention from what is the most important, and improperly to separate two considerations the most intimately connected.

If the burghs be so far relieved of the expense which they are liable to by law, as to bring what remains within their means, it is indifferent to them whether the relief be under the head of erecting jails, or of maintaining prisoners; while the providing for this latter by an assessment on the counties, appears to your committee objectionable in several respects.

First, There is no reasonable ground for casting this burden on the counties, rather than any other part of the community. It is a service the burghs are bound to perform by charter, or by ancient Act of Parliament, as a condition of their tenure; just as private vassals of the crown are, in some instances, bound to uphold bridges, ferries and the like, for the convenience and accommodation of the king's subjects. If the burghs have become unable to perform their service to the crown, it becomes necessary for the crown to apply elsewhere. But it never was the law of Scotland that this service, or any part of it, should be performed by the heritors of the counties; and it is, therefore, no more reasonable that they should be alone assessed to make up this deficiency, than that any other class of the king's subjects should be so exclusively assessed, or the heritors exclusively assessed to make up any deficiency in services, which any other of the crown's vassals might be bound by their tenure to perform.

That some counties have by inadvertence, or through ignorance of the law, or perhaps through a humane consideration of the necessity of the case, contributed to a payment they were not bound to defray any part of, is no argument for their being in future subjected to this imposition. And it should be remembered, that their assessing themselves in rogue money, for payment of an expense not coming within the charges, which they are empowered by statute to defray by this imposition, is so entirely against law, that any individual heritor would be entitled to resist payment of an assessment for rogue money imposed for any such purpose. It is impossible, therefore, that any such practice can be considered as in the nature of a precedent, either in law or in reason.

It appears clear to your committee, that a marked distinction has ever been made in Scotland, between the services to be performed by the heritors of counties, and by the inhabitants of the burghs, in regard to the administration of criminal justice. The keeping the peace of the country, and, for this purpose, the bringing offenders in the country to justice, was devolved on the counties, who consequently, had the burden of maintaining these offenders, till they delivered them over to the judge to be dealt with according to law. And to enable them to raise the sums necessary for this purpose, the Act 11 Geo. 1, c. 26, makes it lawful for the freeholders to assess the counties in what has acquired the name of Rogue Money. This statute assumes, that the shires are liable to defray the charges it mentions, and it expressly limits these to the charges of apprehending criminals, and of subsisting them *until prosecution*. Here, therefore, on the conviction or acquittal of the prisoner, the service of the heritors ceases, and most reasonably ceases, by the policy and immemorial practice of our law, which very wisely imposed this service on the body out of whom the justices of the peace are appointed, and on whose due discharge of their several duties among the rural population, its peace and good order, and the infrequency of crime, very much depend.

After conviction the case is different. The heritors have performed their duty, and it remains for the public to provide the means of executing the sentence. The public devolved this on the burghs, in the shape of a service by tenure; and it would be a manifest injustice and absurdity to impose it now on the landed interest, whose relative wealth has become less, to the exemption of the rest of the community, whose relative wealth has so prodigiously increased.

In the second place, It would afford encouragement to the undue detention in jail of prisoners under sentence, particularly of transportation, a practice hurtful to the interests of justice and morality, which is in some degree restrained, when the expense is to be defrayed from the limited funds of the burghs, by considerations, which might have less operation

operation if it were to be supplied from the unlimited resource of county assessments. And it is obvious, that no existing restraint should be removed, which now imposes upon the judge the necessity of considering the age and health of the convict, before he pronounces sentence of transportation, and on the officers of the crown a difficulty in changing at pleasure such a sentence into one wholly, or partially of imprisonment.

But, besides being inexpedient, an assessment on the counties for maintaining convicts, it appears to your committee, would be contrary to principle. In all other cases of taxation, the body voting and paying the tax has a controul over its amount, and its application. In all cases of expenses defrayed by government, Parliament determines the amount, and watches over the expenditure of the supplies. And in all local assessments, as where the counties have power to assess themselves for certain purposes, they judge of the purposes, and of the application of the funds. The rogue money forms no exception to this rule. But the keeping prisoners in jail, under sentence of death or transportation, is entirely in the discretion of the crown; and the expense thus incurred is necessarily without limit. To compel the counties to tax themselves in sums which they are to have no controul over, would be contrary to the principles observed in all other cases of taxation. To give them a controul over sums necessary to the execution of the criminal sentences of the law, would be to give them a right to interfere with the executive power of the crown, in a function most wisely committed by the constitution to its exclusive discretion. To raise the means of executing the law by assessments, to be imposed by county meetings, is of necessity to give county meetings the power of impeding the execution of the law. To submit to their annual vote a sum perpetually varying, necessary to give effect to the merciful discretion of the crown, is to give them an annual invitation to discusions the most unseemly and mischievous.

The situation of the burghs in this respect is different. Their burden is not a tax imposed upon them, but a service they are bound by tenure to perform to the crown. Its extent, as in similar cases, must from its nature, be variable, and, in some degree, dependent on the discretion of the crown's officers.

It does not appear to your committee, that any objection could be reasonably stated to their being relieved, to the extent that may be thought necessary, at the public expense, on the ground of this being different from the mode adopted in England. The principle, on which the expense of criminal trials is defrayed in Scotland, is totally different from that in England. In Scotland the whole is at the public expense, when the prosecution is at the instance of the public prosecutor. And it does not seem unreasonable to consider the expense of maintaining convicts in prison, as a part of the expense of their trial, conviction, and punishment, which should be borne by the public, in so far as it cannot be defrayed from the funds at present applicable to it by law.

Your committee think that these few observations are sufficient on the first point they have to consider, so far as it can be taken separately from the other question of the state of the jails.

On this more important and difficult subject, your committee apprehend that sufficient information, for the present purpose, is contained in the Reports, which have been laid before the House of Commons by its Committees.

In the year 1818, a petition was presented from the royal burghs of Scotland, assembled at their annual convention, relating to their being relieved of part of the expense of erecting proper jails, and was referred by the House of Commons to a Committee. This Committee contented itself with calling on each of the royal burghs in Scotland, for answers to certain queries suggested by the allegations in the said petition. Fifty-one of the burghs made returns to these queries. The Committee did not receive any further evidence; but upon these returns they agreed to a very short Report, in which, however, they state as the result of these returns, "that, with the exception of eight or ten, none "of the jails in these burghs are in a good state, and many "of them are insecure, and incommodious;" a description, which, it will presently appear, is but a very feeble and imperfect representation of their real condition.

It is added by the said Committee, that, "although it is "the acknowledged law of Scotland, that the royal burghs "are bound to provide proper jails, yet the Committee were "fully sensible, that from various causes the means of many "of these burghs were become inadequate to the necessary improvement of their existing jails."

In the returns of the fifty-one burghs above-mentioned, there is some valuable information. But it cannot fail to be observed, that in some of them the information is less complete than could be desired; and that in some it is to be received with considerable allowance, for a not unnatural wish, on the part of those making the returns, not to overstate defects, which they and the country had so much reason to be ashamed of. Of the sixty-six royal burghs, the total number, fifteen made no returns: and from burghs of regality and barony no returns were called for, though these also, have most of them jails for the confinement of prisoners.

Another Committee was appointed by the House of Commons in 1819, to inquire into the state of jails and other places of confinement in the kingdom. This Committee entered into an extensive examination of various persons on the subjects referred to them. On the state of the jails in Scotland, Sir William Rae, bart. then sheriff depute of the county of Edinburgh, and now lord advocate, and Joseph John Gurney, esq. an English gentleman, who had visited many of the jails in Scotland, were examined. Their evidence is ample to show the insufficient and lamentable state of the jails in Scotland in general, and the total absence of all means by law of improving them.

In 1821, the House of Commons ordered returns for the year 1820, from all the jails, houses of correction, and penitentiaries in England, Wales and Scotland. No return was received from either Ross-shire or Nairnshire, and the returns from the other counties of Scotland were incomplete. In all, the jails of twenty-four royal burghs were wholly omitted; and of the jails of burghs of regality and barony, and of county jails in places not burghs, only fifteen were noticed in the returns. These returns were intended to show the number of prisoners each jail was capable of containing —the number of classes or departments of prisoners—the number of prisoners committed in 1820—the greatest number confined in each class at any one time during that year;—distinguishing the number of debtors and number of criminals—and among the latter, the tried and the untried—the males and the females—and those under seventeen and above that age.

There is reason to believe, that, in many instances, the capacity of the prisons is exaggerated. For instance, in Aberdeen, the first town mentioned, the number of prisoners the gaol then existing was capable of containing, is stated at forty, the greatest number at one time at thirty-six; though it appears, from their own return for 1817, that the jail was very much crowded, and from that cause detrimental to the health of the prisoners; and from Mr. Gurney's evidence, that it was one of the worst in Scotland, and extremely deficient in room, so much so, that there were only five cells for criminals; that they were unable to leave those cells during any part of the day or night; and that a man and several women were confined in one cell, which was extremely close, and the prisoners in it very sickly. Yet of the number returned in 1820, as criminals in this state of misery, nine were persons waiting for trial, and entitled to be treated as innocent.

The result of the returns appears to be this: That in 1818 thirty-eight of the royal burghs returned their jails to be insufficient in point of security and accommodation; that thirteen returned their jails to be sufficent, reckoning Ayr as one, the new jail of which was then building; but one of these thirteen, Linlithgow, qualified its return by stating that there were *occasional escapes*; and that fifteen appear to have made no return. It is also to be observed, that even the best jails in Scotland, those of Cupar, Glasgow and Perth, appear, from the evidence of Mr. Gurney, to be liable to serious objections.

From the returns made of the number of persons committed in the year 1820 to each jail, it appears, that, out of the thirty-eight jails admitted to be constructed in a manner inconsistent with the safe custody, and due accommodation of the prisoners, eleven made no returns of the number of committals during the year; and that the remaining twenty-seven returned the number at one thousand four hundred and forty-one. It is not unreasonable to conclude, that the jails of the fifteen burghs, which have made no returns of their condition, may be fairly classed with the great majority which

which admit their jails to be insufficient. There are, therefore, fifty-three jails which may be considered as admitted to be insufficient; of which twenty-six have made no return of the number of prisoners annually committed to them. Among these are Inverary, Jedburgh, county towns, and Montrose, a very considerable place. If a moderate allowance be made for these twenty-six, the number of persons, who, at the date of the last Reports, were in one year committed in Scotland to jails, confessedly so constructed as to be incapable of detaining them with security, or in a manner consistent with humanity, cannot be taken at less than fifteen hundred. From this number may now be deducted those confined at Aberdeen, where an improved jail has been lately erected.

As to the nature of the accommodation, Sir William Rae's evidence is, that the state of the jails in Scotland, generally, is very insufficient and defective, But the strongest evidence on the subject is that of Mr. Gurney, who, after describing the prisons at some particular places, in terms the most affecting and disgusting, concludes his evidence upon the state of the Scots Gaols in the following words:—

"Have you any general observations to make upon the state of Scotch jails?—Certainly; I could not but make some general observations. The jails in Scotland consist of two descriptions; the central jails, such as those at Aberdeen, Glasgow, Perth and Edinburgh, and the borough jails. In the former class, a large number of prisoners are generally confined; and there is the same want of classification, the same idleness, and the same general evils, which prevail in so many of the jails of this country. With regard to the borough jails, from the small number of criminals generally confined in them, a want of classification is not often felt, but they expose those who are confined in them to a very dreadful degree of suffering. I have seen persons in them in solitary confinement, in a situation which could not but expose them to a degree of misery, quite inconsistent with the common laws of justice and humanity. I apply this to prisoners of every description. A person, who steals to the amount of ten shillings, is put into one of those cells, and shut up alone, without any jailer, for weeks and weeks together, and generally in a state of extreme filth."

"Under any medical care?—I believe none whatever. The peculiarities of the burgh jails are, easy communication with the public, great filth, no privies, no regular provision for religious worship, the jailers living away from their prisons, and no airing grounds, either for criminals or debtors."

It would increase this Report to an immoderate length, if your committee were to detail, from the evidence before the House of Commons, each particular instance of the lamentable state of the jails in Scotland, in regard to the sufferings which they inflict on the persons confined in them, without distinction of age or sex, of character or habits and condition, of nature or degree of criminality, of conviction or bare accusation, of liability to be visited by the animadversions of criminal justice, or the misfortune of being unable to pay their debts.

Any thing like well aired places of confinement, either for debtors, or for persons committed for trial, or for convicts; any fire-places in the cells or apartments of criminals; any means of taking air or exercise by any prisoner; any privies; any attention to cleanliness;—these things are almost entirely unknown.

In one case, the magistrates themselves state, that there are only two apartments for criminals, and one for debtors; that the debtors' room is only 19½ feet by 12 feet; and in this small apartment there were not less than five, and sometimes six persons confined during the greater part of the year 1817; and that the apartments for felons are ill constructed, damp, and unwholesome, one of them without light, and at the same time insecure.

Another jail is said to consist of an iron house, or apartment, laid in the bottom with large stones, air holes in the walls, and iron doors, for securing criminals in.

In a third instance it is stated, that the prison is so insufficient, that many liable to be committed cannot be received, and are therefore allowed to go at large, notwithstanding they are under sentence of imprisonment.

In a fourth, a jail built twenty-two years ago, which is said to afford accommodation for twenty-six persons, a great many more are reported to be confined often two and three in apartments originally destined for only one; these cells being only 6½ feet by 8 feet. The jail is said to afford accommodation for twelve debtors, and fourteen criminal prisoners; but the jailer states the accommodation as not adequate for an average number of eight debtors, and that nineteen have at one time been confined there; the average annual commitments for the year ending 1817, being a hundred and ninety-six.

In a fifth jail, it is stated that the apartments are so crowded, that the prisoners, instead of being able to take any exercise, have barely room to move about.

In a sixth case, where the jail is *reported to be sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein,* the apartment destined for the reception of criminals is described as a *pit or dungeon, vaulted and dark, being only seven feet high at the centre of the vault.*

In a seventh, the accommodation consists of *one* apartment only, in which *both* civil and criminal prisoners are of course confined; the only other apartment being a vault, of a description considered by the magistrates as unsuitable for the confinement of the worst felons. The average number of civil and criminal prisoners is four or five, sometimes six.

In an eighth case, there have been under confinement at once not less than twenty persons, all debtors, no criminal being confined there for more than twenty-four hours. There are only two apartments, each 14 feet by 9 feet; and from the smallness of the two apartments, the prisoners have no way to walk except in a lobby, which is also used as a necessary; and there being at the date of the return (1818) twenty-three civil prisoners, some of them were obliged to sleep in this necessary, for want of room in either of the two apartments. "It must be obvious, therefore," says the return, "and the magistrates beg leave to state it as their opinion, that the confinement of a person in their jail for any considerable period, must materially injure his constitution; and owing to the number of prisoners, and the smallness of the apartments in which they are confined, and the consequent impurity of the air they must breathe, there is the greatest danger of some epidemical disease being produced among them;" and they state accordingly, that very lately one of the prisoners had been seized with a typhus fever, and had he not been removed from the gaol, the contagion would, in all probability, have proved fatal to his fellow prisoners.

For the state of the jail of Inverness, your committee refer to the Report presented by the burgh to the House of Commons in 1818, of which an Abstract is inserted in the Appendix.

In a ninth case, the accommodation, as reported, is very bad, there being only two rooms and a closet for criminals, one measuring 14 feet by 11 feet, the other 14 feet by 12 feet, the closet 7 feet by 8 feet; and for the debtors, one room only, measuring 15 feet by 12½ feet, which serves for male and female debtors; many instances having occurred of persons of both sexes being confined at the same time. In this prison there have frequently been at one time eight, ten and twelve; and at the date of the return there were ten criminals and four debtors. The number of prisoners committed in 1817, was fifty-six, in 1818 forty-five.

In a tenth case it is reported that there are often four or five persons in jail at the same time for debt, and these must either be confined together in one small room, or shut up in the cells allotted to the confinement of criminals. Debtors are said often to chuse rather to inhabit these cells, than to expose themselves to disease, by being put up together in a small apartment of about 12½ feet long by about 10½ feet broad. There were then some times ten confined at one time, in the proportion of five for debt, to one for crimes.

In an eleventh case it is reported, that there are few or no prisoners, *there being no accommodation.* It is of course reported that there are no escapes, but it is somewhat remarkable that there is 20*l.* a year paid to the jailer.

In a twelfth case the jail is reported to consist of one room for debtors, of 10 feet square, of one of the same size for criminals, and of a small dark cell.

In a thirteenth case, where the jail is *reported to be sufficient for the secure custody of the civil and criminal prisoners confined therein,* it is added that *escapes are occasionally effected,* and that there is *but one apartment for debtors.*

In a fourteenth case, the accommodation for the prisoners is described to be very limited and unwholesome. The building

building consists of two stories: on the ground floor there is only one apartment, 23 feet by 13 feet, where criminals are usually placed; it has an earthern floor, two grated windows without frames, and is damp and unhealthy in the extreme. The upper floor comprises two apartments, one 13 feet square, and the other 23 feet by 13 feet. These apartments are both ill aired, and, in the opinion of all the medical gentlemen in the town, unfit for the reception of civil debtors. It is added, that it is impossible to state the number of prisoners at any one time, but the accommodation has often been found inadequate.

In a fifteenth case it is reported, that no criminal prisoner had been confined in the jail for twenty years past, it being insecure for their detention.

In a sixteenth case, the jail part of the building consists of only two rooms and two cells, one of the rooms 17 feet by 11 feet, the other 17 feet by 12 feet; the height from the floor to the ceiling 8 feet 2 inches. The cells are 16 feet by 8½, or 9 feet, vaulted; and the height from the floor to the upper part of the arch 6 feet 10 inches.

In a seventeenth case, the accommodation is stated to be only one debtors' room, 17 feet square; and a thieves-hole about 10 feet long by 6 feet wide.

In an eighteenth case, where there are ten principal cells, and four cells for vagrants, the accommodation is reported not to be adequate to the demand, there being from three to four prisoners in each of the principal cells, and generally from thirty-three to forty persons confined at one time.

In a nineteenth case, there is only one apartment for each description, viz. the civil and criminal prisoners, which are by no means secure; and not sufficient accommodation for the prisoners usually confined therein. The debtors' room is 12 feet long, by 9 feet wide, with a cell for criminals of the same dimensions. It is added in the Report, " It is hor-" rifick to think that at times five debtors have been confined " in the first, six criminals in the second; and at times the " mixing of debtors and criminals in one apartment, has been " unavoidable." The cell is described as dark, damp, and ill aired.

In a twentieth case, it is reported that the jail is not sufficient for the secure custody of any prisoner, civil or criminal;—that there is hardly a criminal confined in it who has much difficulty in effecting his or her escape, for the walls are now so old that, though of considerable thickness, they are easily gone through with a common chisel, the stones easily giving way, and soon reduced to sand; and that such has been the situation of the magistrates, and such would be their situation now, were a criminal lodged for any atrocious crime, that, contrary to the laws of Scotland, they would be obliged instantly to put that criminal in irons, otherwise they might lay their account with an escape in 48 hours. In such a jail, it is added, there can be no accommodation or security. The jail is described to consist of three rooms, the highest appropriated to ordinary criminals, the centre one to civil debtors, and the lowest, which is considered the most secure, generally to criminals of the deepest die; but neither of these, the highest or the lowest, it is said, is fit for even the worst of criminals, to be treated with common humanity; far less is the room for debtors calculated for the accommodation of that unfortunate class of men. No bed, table, chairs, or any one article whatever, except the bare walls, is there to be found for either debtor or criminal, nor can the funds of the town possibly admit the affording such accommodation within.

In another case, the report says that the accommodation consists only of four small rooms, two of which are very small indeed, 12 feet by 12 feet 3 inches, and the other two rather larger, 11½ feet by 20 feet 4 inches; but still too small for the number of prisoners confined in it. The accommodation the jail affords to the prisoners is very miserable indeed; and prisoners frequently make their escape out of it by breaking through the walls, and often through the roof. In the year 1817 there were no less than fifteen persons confined at the same time, more than one-half of that number for smuggling and defrauding the revenue.

In another case, the jail is reported to be far from sufficient for the accommodation, and secure custody of the civil and criminal prisoners confined therein. The accommodation of both criminals and debtors is very bad, there being on the ground floor only three small damp cells without fire-places; a debtor's room in the second, and another in the third story, each 15 feet by 8 feet; and when females have been confined it has been found difficult to keep them separate from the male prisoners. By times, and particularly of late years, the number confined at one time has been fourteen.

In another case, the jail " *is considered sufficient for the* " *accommodation and secure custody of civil and criminal pri-* " *soners confined therein*;" but this accommodation is stated to consist of *one room for prisoners confined for debt, and two cells for criminals.*

Thus much for the security and accommodation afforded by the jails of Scotland, and the sort of attention paid to the classification of prisoners.

The next thing in the due administration of prisons, is the appointment of suitable jailers, to whom the necessary trust and authority may be safely confided. It will be readily admitted, that there is nothing more important to the interests of justice, and to humanity in the administration of the law, and to that, which is inseparably united to these considerations, the peace and good order of the community, than the appointment of proper persons as jailers; and that there are few situations which require a more uncommon union of opposite qualities, than that of the governor of a prison. It is obvious, that to find a man of this description for each of the little jails subsisting in Scotland is impossible, both from their number, and from the limited funds out of which the jailers must be paid. In point of fact, the jailer is, in almost all cases, a person of the lowest order, generally one of the town officers, who has other duties to perform, and his salary, except in four or five of the larger towns, varies from so small a sum as 2 *l.* up to 30 *l.* With the exception of these large towns, there are only five or six instances of a salary amounting to 20*l.* There is hardly an instance of the jailer residing in the jail, and it does not appear even to be considered necessary that he should reside near it. If every other provision were made for the proper accommodation of the prisoners, it is clear that nothing approaching to the good government of the jails is compatible with this situation of the jailers.

For neither the religious nor moral instruction, nor medical care of the prisoners, is there any provision whatsoever in any of the ordinary jails of Scotland. There is no chapel nor assembly of the prisoners on any occasion for religious worship in any one of them; no chaplain, nor regular attendance of any clergyman; nor surgeon or medical visitor, nor any provision for a gratuitous supply of medicine and advice.

Lastly,—So far from any attempt being made to encourage or promote habits of industry, the very construction of the jails, and their crowded state, render it impossible for those who might be the most industriously inclined, to betake themselves to any useful employment.

In whatever way the revenues of the burghs may have been reduced to their present situation, it is but justice to them to say, that they are now, and have long been, perfectly inadequate to the task of putting the jails, which they are bound to maintain, on any thing like the footing required both by policy and humanity; and that, in most cases, they are insufficient to make any material improvement on their present condition. The disgrace, therefore, which would otherwise fall upon the burghs, belongs to the legislature and to the country; and your committee are painfully compelled to say, that a greater disgrace, in their opinion, never attached itself to any country.

In order to show the total inadequacy of the funds of the burghs to this most important object, your committee, in an Appendix to this Report, have shortly stated the situation of forty-two of them, as set forth in the returns made to the Committee of the House of Commons in 1818, in reference to this subject.

From these Returns it appears, that most of them are little better than insolvent, and not one capable of expending the smallest sum upon their jails, or even of defraying the charge of necessary repairs to keep them in their present state, without great difficulty.

Of the larger towns, it appears from the Report of the Committee of the House of Commons on the Royal Burghs of Scotland in 1819, that the income of the city of Edinburgh could not be taken as equal to its necessary expenditure; and that the town of Aberdeen was insolvent, and its property conveyed to trustees for the payment of its debts.

From this view of the revenue of the burghs, it is obviously out of the question, that any reformation of the state of the jails

jails can be effected at their expense; so that it becomes the less necessary to inquire what means exist by law of enforcing the erection of more adequate places of confinement. But it appears from the evidence of Sir William Rae, that in Scotland jails are erected and maintained by the burghs, viz.:—royal burghs, burghs of regality, and burghs of barony; that the royal burghs are obliged to receive the prisoners committed by the county magistrates; that the counties have no power of assessing themselves for the erection of jails; that the officers of the law are directed to transmit debtors to the next sure jail, to the custody of the magistrates of the burgh, who have the charge of the jail, and who become answerable for the debt: And being asked what the jurisdiction of the Circuit Courts has over the jails, he says, that he is not aware of its precise nature; that they are the supreme criminal courts, and he presumes their power would not be doubted; but he is not aware of the precise law by which they could enforce their orders; that the sheriff has no jurisdiction over the jails of the royal burghs; that he conceives there are no particular persons who have a right by law to visit and inspect these jails, save the magistrates of the royal burghs; that he does not know of any custom for justices of the peace to inspect the jails within their counties: And being asked what remedy there is, supposing a jail to be out of repair, or grossly inadequate to its object, he says he thinks there must be a remedy, if you can suppose a royal burgh possessed of the means, and refusing improperly to repair and maintain their jails; he has not the least doubt a remedy could be made applicable to that case; he should think that His Majesty's Advocate would in that case call the magistrates of the burgh, either before the Court of Session or of Justiciary, to answer for their proceedings: And being asked, "Do you conceive the Court of Justiciary " would have power to force the magistrates to provide a " proper jail?" He says, "I certainly think that one or " other of these courts would; but I know of no proceeding " of the kind having taken place." Being asked, "Suppos- " ing the burgh to have no funds?" "Then," he says, "it " is impossible that any remedy could be enforced:" And he concludes, in answer to the question: "Then the obliga- " tion for maintaining the jails is only an obligation affecting " the common good of the burgh?" by saying, "Just so."

From this evidence of the gentleman who is now lord advocate, it is obvious, that it were difficult to say what remedy there would be by law for the present state of the gaols of Scotland, even if the burghs, who are bound to maintain them, were possessed of funds sufficient for the purpose: and that, in the actual situation of their funds, there exists by law no remedy at all; but that the magistrates of the counties may commit prisoners to such jails within their respective counties as they think fit, which jails must receive them, however crowded; and that debtors must be confined in the nearest sure jail, without any right on their part to remonstrate against its unhealthiness, or want of accommodation fit for the reception of a Christian man, and without power, even in the creditor, to chuse a more distant jail, though better: and meanwhile, the jails may be allowed to grow worse and worse, till they become still more like than at present to places for the destruction of health and life, rather than places of legal confinement; no power existing, legal or actual, of stopping their deterioration, much less of improving them.

Indeed, if there were means and inclination in any burgh to render its jail more fit for its purposes, the law affords the strongest motive against its so doing, since, the county magistrates having power to send prisoners to any jail they think fit within the county, the better the jail the more prisoners would be sent to it. This has not failed to be mentioned by some of the burghs, in their returns to the House of Commons, as a just subject of complaint.

It is obvious, that the alteration of a system so inconsistent with sound policy, and common humanity, requires a legislative interposition; and that the landed interest of Scotland can do nothing more creditable to itself, nor more useful to the country, than to obtain a suitable law upon this subject.

Your committee will not detain you by a lengthened detail of the objects which ought to be kept in view in the framing of such a law. Generally speaking, they appear to be three; the providing for the erection, maintenance, and good government of a sufficient number of jails, for the population of the kingdom; the putting them under the superintendence and inspection of proper officers; and the doing of these things at the least practical expense, to be defrayed in the most equitable manner.

1. In regard to the erection, maintenance, and government of the jails, the first duty of those who undertake this matter, appears to your committee to be, to recollect that the proper purpose of a jail is confinement merely.

Those who are accused of crimes, but not tried, are evidently entitled to be treated as innocent persons. They are by law permitted to be at large, without molestation, in all cases where they can give to the public sufficient security that they will undergo their trial; and the only reason why they are confined in capital cases is, that the law does not conceive any security, which can be given, sufficient to insure the attendance of a person at the hazard of his life. His detention in prison, therefore, is matter of necessity; but this necessity confers no authority to inflict upon the prisoner the slightest degree of suffering, beyond that which is inseparable from the keeping him in safe custody.

The case of civil debtors, according to the view taken by the law of Scotland of the necessary means to compel them to pay their debts, appears to your committee something different. It is a sort of middle case between that of persons confined in order to trial, and that of prisoners who are convicted of heinous crimes. The law of Scotland considers the contracting a debt, which is not paid when demanded, as a species of delict, and it employs the *squalor carceris* as a means of compelling the debtor to make amends, by paying his debt, or by surrendering his effects to his creditors, if he cannot pay them. It is, therefore, not consistent with the principle of the law, that a prison should be made a place of ease and enjoyment to a debtor. But, on the other hand, there is no law for the subjecting him, by way of punishment, to any thing but detention within the walls of the prison, under the usual discipline, and the usual allowances of the places; and the inhumanities which he practically endures in Scotland, in almost all its jails, are abuses arising out of their mal-administration.

Next to the situation of the debtor is that of those who are convicted of offending against the criminal law; and these persons are in two situations;—they are either detained while waiting for the execution of a more severe punishment,—or the imprisonment itself constitutes the punishment they are ordained to suffer.

In the first case, degrees of suffering superadded to mere imprisonment may form part of their sentence, or may follow, by the usual practice, as part of the common law, according to the nature of their crime; but, in the latter case, that of a sentence of imprisonment merely, the confinement, and loss of liberty for the time specified, alone constitute the punishment, to which the keepers or managers of the jail have no right to add any other suffering, not necessary to render the custody secure, and to preserve the good order of the jail.

In the report of the Select Committee of the House of Commons, appointed to consider the laws relating to prisons in 1822, the following remarks, though subject to one or two modifications, are well worthy of attention.

"It is no less the interest than the duty of every govern- " ment to take care that the individuals, who by the laws " are subjected to imprisonment, do not, by the effect of " that sentence, become worse members of society, or more " hardened offenders. It is also of much importance that " prisons should be so managed, that confinement within " them may be an object of terror, and may operate as real " punishments upon those for whom it is so intended; at " the same time, that the exercise of all unnecessary seve- " rity is restrained by wholesome regulations. With a view " to these objects, the means of a judicious classification of " prisoners, and of constant employment and labour, are " essentially necessary; and your Committee are decidedly " of opinion, that it will be proper to secure by law the " providing of such means in every county prison, and in " every other prison in which, by charter or otherwise, " prisoners of various classes are allowed to be confined.

"The greatest difficulty which Your Committee find to " stand in the way of the establishment, generally, of a " proper system of prison discipline, arises from the exist- " ence, in almost all parts of the country, of many very " small prisons, belonging to places in which there is a local " jurisdiction. The returns printed by order of the House, " in 1819 and 1821, present many particulars relative to " such prisons; and Your Committee have also obtained " some

“ some further information, by means of some queries addressed by them to different magistrates; the result of which they have given in their Appendix to this report.

“ It appears that, in many cases, the funds applicable to the maintenance of these local prisons, are of a nature which precludes the possibility of erecting a proper prison, or providing the means necessary to a good system of discipline; and the number of persons committed in any one year to some of these prisons is so small, as to make it very doubtful whether it would be proper to expend the sum necessary for these purposes, and whether the existing evil may not be remedied by some legislative proceeding of a different nature.”

In regard to the observation in the above passage, that prisons should be so managed “ that confinement in them might be an object of terror, and might operate as real punishment,” and that “ means of constant employment and labour” should be provided, your committee would remark, that, if it be meant that confinement in prison should be rendered any further an object of terror, or any greater punishment than is inseparable from mere imprisonment, your committee must dissent from this as a general proposition; for they cannot consider prisons as to be confounded with houses of correction, or a sentence of imprisonment with one to hard labour, to solitary confinement, to a particular diet, &c.; for thus the suffering inflicted would exceed that expressed in the sentence, and differ from it, the degree and intensity of such suffering being left to the discretion of the jailer, or of those who have charge of the jail, instead of the judge. But they agree that the prison ought not to be rendered a more agreeable abode than the prisoner, generally speaking, is accustomed to. It results, that there ought to be the means of admitting, in different apartments, different degrees of accommodation, according to the habits and means of the prisoners. In the same way they conceive, that the employment and labour alluded to are suggested with a view to their moral effect, not to their acting as an increase of punishment.

The judicious classification of prisoners is of all other things the most essential, next to the means of preserving health by cleanliness, wholesome food, and clothing, sufficient warmth, good air, and exercise; to these should be added, the means of employment, of performing religious duties, of instruction for the young, and of medical assistance.

It is essential that the prison should be so secure as to render the use of fetters unnecessary; that the jailer should reside within the precincts, and should have his whole time and attention devoted to the important concern of governing the jail, of repressing immorality, of controlling the ill-disposed, of promoting a return to virtuous habits, and of alleviating the sufferings of the unfortunate. In order to procure a person capable of discharging these duties, it is necessary that he should be so well rewarded as to be removed from anxiety on the score of his own subsistence, and to feel himself placed in a respectable condition.

Not only the expense of obtaining these objects, but the nature of the objects themselves, infers their application to a considerable establishment. It is quite obvious, that to erect a jail in every county in Scotland, and to govern and conduct it on the principles above mentioned, would, therefore, be impossible; but your committee think it might be done in every circuit town in Scotland, of which there are only eight, and connected with the providing suitable court houses for the circuit courts, at an expense which would be light, compared to the magnitude of the object, if thrown upon all the counties and royal burghs within the circuit in common. The burgh jails might be allowed to subsist, as places for the reception of criminals till fully committed for trial, and for the punishment of such petty offences as are repressed by short imprisonments.

The only objections that occur to your committee, likely to be stated to this plan, are two,—first, the distance from their usual places of residence, and from their friends, to which prisoners from remote parts of a district might be sent to be confined;—and, secondly, the bearing it might have upon the liability of the burghs for the debts of persons imprisoned for debt.

As to the first, no person, who has read the evidence on the present state of the burgh jails, and the sufferings of prisoners in consequence of it, but must think that no advantage or comfort they can derive from the neighbourhood of their relations and friends, can be put in the scale against the incalculable benefit of exchanging these miserable, and unhealthy, and filthy dungeons, for a well-constructed and well-governed place of confinement. And it is to be observed, that the number of persons must be very few who could complain of this, more than if a jail were erected in every county town; for, in the rank of life of almost all the prisoners committed for crimes, a removal of 20 or 30 miles is as complete a separation from their friends, as twice or three times the distance. To debtors the same observation applies, with this addition, that they have themselves to blame if their imprisonment lasts above a month, before they apply for their release by *Cessio Bonorum*.

In regard to the other question, your committee think this matter might be easily adjusted. The danger the small burghs now run, from the insecurity of their jails, is so great, that they could not hesitate to prefer the risk of placing the debtors in a secure prison, under the charge of a gaoler of respectable character, and capable of giving security to a reasonable amount.

Your committee beg to suggest, that if the measure of erecting a sufficient gaol in every circuit town were resolved on, the execution of it ought to be placed in the hands either of the Secretary of State for the Home Department, or of commissioners to be named by the Crown, or by Parliament. The latter appears to your committee to be preferable; and a committee might be named by the several counties and burghs, to communicate with the commissioners in such manner as might be resolved on; the counties to assess themselves for their share of the expense, both original and annual.

For remedying the defect of the law, in regard to providing the means of preserving the gaols in a fit state, and compelling those who are bound to support them to do their duty, your committee is of opinion, that a plan adopted in Ireland by Parliament, at the suggestion of Government, might be introduced in Scotland with great advantage, viz.:—That of an inspector or inspectors of jails, officers appointed by the crown, and paid by the public, who are bound to inspect every gaol in the kingdom, and to frame reports, which are laid annually upon the tables of the two Houses of Parliament. Your committee understands, that these officers go the circuits along with the judges, and that the most beneficial effects have been produced in that country, by placing the office of these inspectors on an efficient footing.

In conclusion, your committee would humbly suggest, that in compliance with the request stated in the communication from the convention of royal burghs, it may be proper for the county to depute two heritors, to meet with that committee in the manner proposed. Your committee think that this deputation should be instructed to deliver it as the decided opinion of the county, that there are no reasonable grounds for assessing the counties for the purpose of assisting to maintain prisoners after conviction; though the county will instruct its Member to concur in a Bill to relieve the burghs of this burden, by casting it upon the public generally; but that the county will most heartily concur in a general measure for assisting the burghs in the erecting and maintaining of sufficient jails, in every circuit town of the kingdom, on the principles mentioned in this report; and that the county considers the two questions of maintaining the convicts, and putting the gaols on a footing that which may no longer disgrace Scotland, to be so intimately united, that it cannot consent to their being taken up separately. And the county is satisfied that it need not hesitate to express its confidence, that it will receive the hearty co-operation of the royal burghs, in effecting this most important and interesting object, to which they appear, by their petition to Parliament in the year 1818, to have been at that time sufficiently alive.

Your committee would also beg leave to suggest, that if the county approve of the measure which is humbly recommended in this report, a communication should be forthwith opened with the other counties of Scotland, through the medium of the conveners, for the purpose of obtaining their concurrence in an application to Parliament on the subject.

Your committee is aware, that this Report can only be considered as a very imperfect view of the questions referred to them, embracing as they do a great extent of detail. They think, however, that they have laid before the county a sufficient display of the present state of the jails in Scotland, to induce every man, who has any feelings of humanity, or sense of his duty to the public, to think that to lose an instant in doing all that his situation enables him to do, towards providing a remedy for this frightful mischief, is to render himself a party to the cruelty and barbarous impolicy which inflict it; and that, if the county shall concur with them in this opinion, the adjusting the details of the measure to be proposed, may be matter of further and subsequent consideration.

Appendix, N° 1.

Extract from the Report transmitted by Provost Robertson, to the Committee of the House of Commons, on 15th May 1818.

THE jail in the burgh of Inverness is not sufficient for the accommodation of either the civil or criminal prisoners confined therein; but, in so far as the accommodation goes, the jail is perfectly adequate for the secure custody of its inmates. It was built about 30 years ago. It consists of four cells, 9 feet by 6½ and 8½, and 7 feet 6 and 7 feet 10 high for criminals; four rooms 16, 21, 19, and 17 feet by 16, and 9 and 8 to 9 feet high.

On an average of twenty years, twelve prisoners have been usually confined at a time, but the number has occasionally exceeded twenty; so that three and even four criminal prisoners have, at certain periods, been confined in one cell, and eight civil prisoners in one room. The civil prisoners are to the criminal, usually in the proportion of five to six. By far the greater number of the criminal prisoners are confined for delinquency of a minor sort, as desertion, smuggling, and other offences against the Excise laws. A very small proportion of prisoners usually belongs to the population within the burgh, not more than one in twelve. There are four jailers or burgh officers; the senior is styled head jailer. He has an annual salary, including cost of his livery, of 25*l.* and the other three of 23*l.* each. They are entitled by the custom of the jail to certain fees, but it is said, that the income of the head gaoler does not exceed 27*l.* and that of the under jailers 25*l.*

The gross income of the burgh is stated at 1,559*l.* 12*s.* 4*d.* From this, deducting proceeds which must be applied to particular purposes 464*l.* the balance is 1,095*l.* 12*s.* 4*d.*; from which again is deducted as applicable to fixed destinations 670*l.* 10*s.* 9*d.* leaving 425*l.* 1*s.* 6*d.* at the command of the burgh, which is stated to be scarcely adequate to the outlay of the burgh in its ordinary and incidental expenditure in repairs, law costs, the punishment and prosecution of burgh offenders, &c. &c. So that the most rigid and parsimonious economy will hardly keep the town's debt from increasing.

Appendix, N° 2.

The burgh of Arbroath is stated to owe 12,000*l.* and to have an income only of 1,100*l.* after paying the interest of the debt, to pay the expense of keeping its harbour in repair, lighting and repairing the streets, paying ministers and schoolmasters' salaries, the salaries of its officers, and other incidental expenses. This burgh appears to be among the most affluent.

The burgh of Annan is said to have an income of nearly 600*l.* which is entirely exhausted by necessary expenses, such as those mentioned above.

The income of Anstruther Easter is 65*l.* of which only 40*l.* can be applied to the repairs of the harbours, streets, and public buildings.

That of Anstruther Wester is from 40*l.* to 45*l.* and is exhausted by the annual expenditure.

That of Banff is 393*l.*

That of Berwick is about 120*l.* but leaving a tangible revenue not exceeding 50*l.* or 60*l.* for the repairs of the harbour and the streets.

That of Brechin does not exceed 250*l.*

That of Burntisland amounting to 300*l.* is almost exhausted by the interest of debt, ministers' stipend and salaries, not leaving enough of surplus for the necessary repairs of the harbour and streets. It appears to have no heritable property.

The income of Campeltown, which has no heritable property either, is 208*l.* with a debt of 1,000*l.* and with quays to support.

Crail is said to have very little over, after paying necessary expenses and interest of money.

The income of Culross is about 48*l.*

That of Dingwall 153*l.*

That of Dornoch does not exceed 8*l.*

That of Dumbarton, amounting to 858*l.* including the lighting, and furnishing the town with water, is burdened with so much interest of debt and public burdens, as to leave a very small sum in favour of the burgh.

The income of Dunfermline is 1,500*l.* with a debt of 14,000*l.*

The income of Dumfries is about 2,200*l.* but it is so considerably in debt, that the funds and revenue are under trust for behoof of creditors.

The income of Dunbar, about 600*l.* is wholly required for the ordinary expenditure of the burgh, principally laid out in upholding the harbour.

The income of Dundee is said to be not more than 2,750*l.* with a debt of 15,333*l.* leaving a surplus of income altogether insufficient to pay the ministers and schoolmasters, the maintaining the police, and other necessary expenses.

The income of Dysart is 205*l.* arising from uncertain sources, which are said to be decreasing, while it has a harbour, minister and schoolmaster to maintain.

The income of Elgin 370*l.*; salaries and fixed payments 224*l.*

The income of Fortrose, at the time of the return, was from 10*l.* to 12*l.* with a prospect that it might increase from 40*l.* to 50*l.*

The income of Inverary does not exceed 110*l.* of which, after paying salaries, only about 30*l.* remain, for paying incidental expenses.

The income of Inverbervie does not exceed 50*l.*

That of Irvine about 1,000*l.* which is exceeded by the annual outlay.

The income and annual payments of Jedburgh appear to be nearly balanced.

The income of Kirkcaldy is about 500*l.* of which half is laid out annually in repairing the harbour alone.

The gross income of Kirkcudbright is from 1,000*l.* to 1,100*l.* The charges are not stated.

The income of Kilrenny is said to be about 5*l.* a year.

The clear income of Lanark, to answer the expenditure of the burgh, is said to be about 130*l.*

That of Lauder 32*l.* 10*s.*

The income of Linlithgow is said to be about 500*l.* but of late years not equal to the expenditure for necessary public purposes.

The income of Montrose, about 1,700*l.* has been for several years back more than swallowed up by the expenditure.

The gross revenue of Peebles is said to be about 750*l.* but fluctuating.

The income of Perth is said to have been for many years found inadequate for the payment of interest, ministers' stipends, and the other establishments of the burgh.

The income of Pittenweem, not exceeding 300*l.* after paying interest, public burdens, and other necessary annual payments, is said to yield a very small balance, which is mostly expended at the Michaelmas annual election, and celebrating his Majesty's birth-day.

The income of Rothesay is 168*l.* which, after paying public burdens, &c. leaves hardly sufficient for the repair of the harbour.

That of St. Andrew's does not exceed 150*l.* which is not sufficient for keeping in repair the streets, harbour, &c. and for other necessary expenses which are said to be increasing.

The revenue of Stirling, about 3,250*l.* is said to be completely exhausted by payment of interest, repairing public buildings, streets and market places.

That of Stranraer is gross 150*l.* which is scarcely equal to the annual expense, so that there are no funds to pay any loss which may be sustained even by the escape of a prisoner.

The income of Tain is about 225*l.* from precarious sources, which are not sufficient for the requisite purposes.

The income of Wick, till within five years from the date of the return, did not amount to 25*l.* It was then 40*l.* from precarious sources.

The income of Wigton is 256*l.* 7*s.* which is exceeded by the annual average expenditure.

The income of Whithorn has never exceeded 115*l.* and seldom been so much, arising from harbour dues and other variable sources. The expense of maintaining the harbour is not stated.

16.—KINCARDINE-SHIRE.

Answers to the Queries.

Kincardine-shire.

1. There is only one prison in this county, it is kept in Stonehaven, the county town. The royal burgh of Bervy has a prison, but it is in ruins, and there is no funds for repairing it.

2. It is a jail for criminals, and the justices of peace have been in use of incarcerating for fines and small debts, but it is not a prison for common debts, nor a house of correction.

3. From the after Report, 11 prisoners have been confined at one time, (but it appears to be too many.)

4. There is a strong cell for one, or at most two, criminals; the other cells are for all other descriptions of prisoners, without making any distinctions.

5. There are five apartments; one of them a strong cell for criminals; one dark, and without a fire-place, too bad for any criminal. The other three used indiscriminately for all descriptions of prisoners.

6. There were committed to the prison of Stonehaven, during the year 1825, two criminals, both males; and under the Excise laws, ten persons, six of whom were males, the other four females.

7. The greatest number of prisoners confined at one time during the year 1825, in this prison, were 11.

8. There is only one person employed as keeper of this prison.

9. There is no airing ground,

10. The county rooms are immediately above the prison, and the walls, outside and in, in good repair.

11. The prison erected and maintained by the heritors of the county.

12. The prison regulated by the sheriff; there are no printed regulations.

13. A ground plan of the prison of Stonehaven is inclosed, as it shows the actual size of the cells, and of the whole prison better than any observations.—*Not inserted.*

The foregoing are Answers by the sheriff of this county, to the order of the Committee of the House of Commons, on Prisons in Scotland. The Lord Advocate of Scotland in the chair.

John Innes,
Stonehaven, 3 April 1826. Sheriff Substitute of Kincardineshire.

17.—KINROSS-SHIRE.

Answers to the Queries.

Kinross-shire.

1. County jail, situated in Kinross, the county town.
2. Common jail.
3. Twelve.
4. There is only one class for criminals, but the apartments do not communicate with each other, and one of them is better fitted up than the others.
5. The whole number of apartments is six, three of which are for criminals, and three for debtors.
6. The present building was not used as a jail in 1825. The number incarcerated in the old jail, was seventeen; of which seven were criminals, and ten debtors.
7. The greatest number of persons confined at one time in 1825, was three.
8. There is only one person employed as jailer.
9. It is intended that there shall be airing ground attached to the jail, but as the jail itself was only built this season, and is not yet fully finished, the ground has not been got inclosed.
10. The jail being quite new, is in the best possible state of repair.
11. The jail was erected partly at the expense of the county, and partly by government. The old jail was wholly maintained by the county.
12. The jail is regulated by the sheriff and justices of the peace, as the only magistrates of the county. New regulations are about to be formed, but it has not been hitherto the practice to print them.

Jº Skelton, Sheriff.

18.—KIRKCUDBRIGHT-SHIRE.

Sir Alex. Dumfries, 1 April 1826.

I received a letter from Mr. Ireland this morning, desiring that I should send you Answers to the following Queries, relative to the Tollbooth of Maxwell Town.

1st. Number of prisoners Maxwell town jail can contain?—Five.

2d. Number

KIRKCUDBRIGHT.

1. Name of each Prison, and where situated.	2. Whether Common Jail, or House of Correction.	3. Number of Prisoners it is capable of containing.	4. Number of Classes for Criminals, exclusive of Debtors; and whether they can be increased.	5. Number of Apartments, distinguishing those for Criminals from those for other Prisoners.	6. Number of Prisoners committed in the Year 1825; distinguishing Criminals from Debtors, and Males from Females.	7. The greatest Number of Prisoners confined during the Year 1825, at any one time.
Kirkcudbright jail, in the royal burgh of Kirkcudbright.	Common jail	Thirty, without being crowded.	No particular classification beyond males from females, and the removing disorderly or vicious criminals from the lower to the higher cells or apartments.	The prison consists of six stories or floors, and 24 apartments; viz. 7 on the ground floor, of which 3 occupied as a residence by the gaoler and his family, 1 fitted up and used as a cold or hot bath, and 3 for vagrants; of these last 3, two occasionally used as guard-rooms by the military. 5 for debtors on the 2d floor. 11 for criminals on the 3d, 4th and 5th floors; and 1 in the top of the turret, being the uppermost and 6th floor, used occasionally for prisoners, but at present as a store-room. — 24 —	M. F. T. Criminals 11 10 21 Debtors 8 1 9 Vagrants 4 2 6 23 13 36	- Nine -
New Galloway jail, in the royal burgh of New Galloway.	Common jail	- Four -	None, except males from females.	One for criminals, and one for other prisoners.	- Two -	- Two -
Maxwelltown jail, in the burgh of barony of Maxwelltown.	Common jail for criminals	- Four -	- ditto -	Three larger and one smaller cells on the ground floor, besides two apartments for the jailer.	- - -	- - -
Castle Douglas jail, in the burgh of barony of Castle Douglas.	Common jail for petty delinquents.	- Four -	- ditto -	- - Two - -	- Three -	- Three -
Not reported to the sheriff depute and stewart depute, nor known of, by Alexʳ Gordon.		- Two -	- - -	- - Two - -	- - -	- - -

Kirkcudbright, 31st March 1826. *Daᵈ Melville,* S. Clk.

2d. Number of apartments for criminals and other prisoners?—Five.

3d. Number of prisoners (criminals) committed in the year 1825, distinguishing males from females?—Three males and two females.

4th. The greatest number of prisoners confined during the year 1825, at any one time?—Three.

I am, most respectfully, Sir Alex.

Your very obedient servant,

Will. Primrose.

KIRKCUDBRIGHT.

8. Number of Persons employed as Keepers and Under-Keepers.	9. Whether any Airing Ground.	10. Present state of Repair.	11. By whom Erected, and Maintained.	12. By whom Regulated; if by Printed Regulations.	13. Any additional Observations, which may be deemed important.
One gaoler or keeper; he has no male assistant; he is married; has a maid-servant, and resides in the ground story or floor of the prison, with his wife and family.	An airing ground of 22 yards by 17 yards; used occasionally by criminals, but never by debtors; it is inclosed by a stone and lime wall, 18 feet high.	Good state of repair.	Built in 1815, partly by the burgh from their own funds, and partly by voluntary grants from the county; cost nearly £.4,000; maintained by the burgh.	The magistrates. There are not any printed regulations.	A large court-house or county-hall, the property of the burgh, rented by the county, is connected with the gaol, and criminals pass by a private communication from the one to the other. Immediately below the county-hall, there is an office for the commissioners clerk of supply. There is a total want of offices for the accommodation of the sheriff and sheriff clerk, and for the preservation of the records of the county.
- One -	- - none -	Good state of repair.	Lord Viscount Kenmure, and his ancestors.	The magistrates. There are not any printed regulations.	
One jailer, who resides with his family in part of the house.	- none -	Good state of repair.	Erected by voluntary grants of the county, and private individuals.	The magistrates. There are not any printed regulations.	There is a commodious court-house over the cells or apartments for criminals, and the two apartments for the jailer, in which court-house the sheriff or steward holds criminal courts for eastern district of the shire or stewartry.
A burgh officer	- none -	Bad state of repair.	Erected by the late Sir William Douglas, of Castle Douglas, bart.	The magistrates. There are not any printed regulations.	
A burgh officer	- none -	Good state of repair.	Alexander Murray, of Broughton.	The magistrates. There are not any printed regulations.	

31st March 1826. *Wm Ireland.*

19.—LINLITHGOW-SHIRE.

My Lord, Edinburgh, 7th April 1826.

Linlithgow-shire.

I HAVE now the honour to forward to your lordship the Return required by the Committee of the House of Commons upon Prisons in Scotland, by their Order of the 23d of March last; and hope it may be found correct and satisfactory.

Your lordship will find that it differs in some particulars as to the number of prisoners, from the return I furnished to you on the 17th of January last. The basis of that return was an unsigned report, furnished to me by the Provost of Linlithgow, and the particulars had been taken, too hastily I presume, from the prison books; the Provost not being satisfied of its accuracy, declined to sign it. The sheriff substitute has made a very minute investigation before furnishing me with materials for the present return, and I have every reason to depend upon its accuracy; but he informs me, that from the manner in which the prison books are kept, he had great difficulty in bringing out an exact result. As many inquiries are made into every particular regarding the management of prisons and prisoners, I humbly submit to your lordship that it would be highly desirable to furnish a model to all jailers for their direction in keeping the prison books, so as to give every requisite information at once.

In consequence of some misconduct of the woman, who did the principal duty as jailer for her husband, who was blind, and very likely, in consequence of that improper arrangement having been brought into public notice, Halliday and his wife have been dismissed, and another person taken on trial. This I have no doubt will meet with your lordship's approbation.

I have to-day sent to Mr. Sheriff Duff a return of the prisoners for debt, in the years 1824 and 1825; distinguishing those confined for sums above and under 5*l.* according to your lordship's direction furnished to me by Mr. Duff.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,

The Right honourable the Lord Advocate of Scotland.

John Cay,
Sheriff Depute of Linlithgow-shire.

1.—Name of each prison, and where situated?—One jail in the burgh of Linlithgow, termed or designated the town and county jail; and a jail or prison in the burgh of South Queensferry, termed the burgh jail of Queensferry.

2.—Whether common jail, or house of correction?—Common jails, there being no houses of correction within the county.

3.—Number of prisoners it is capable of containing?—From twenty-two to twenty-five prisoners.

4.—Number of classes for criminals, exclusive of debtors; and whether they can be increased?—There are two apartments or cells, appropriated for the worst of criminals, without any fire-places, and they may contain two prisoners each, or even three prisoners. 2d. The wester prison, adapted for prisoners not confined for atrocious crimes, is capable of containing six or seven prisoners. 3d. The easter prison is generally reserved for female prisoners, and is capable of containing four or five persons. 4th. The prison for debtors, or what is called the Debtors-room, is an apartment 18 feet by 15, and seven prisoners have been known to be confined in it at one time. It does not appear to the sheriff that the classes or arrangements can be increased.

5.—Number of apartments; distinguishing those of criminals from those of other prisoners?—There are five apartments, four of which are allotted to criminals, and one for debtors.

6.—Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Forty-three male criminals, and five female criminals have been committed during the year 1825; and during the same period, eighteen male debtors, and one female debtor, have been confined.

7.—The greatest number of prisoners confined during the year 1825, at any one time?—From the mode in which the prison books are kept, it is not very easy to give an exact answer to this query. After a minute investigation by the sheriff substitute and town treasurer, however, it appears that the greatest number of prisoners confined at one time in the year 1825, was twelve or thirteen.

8.—Number of persons employed as keepers and under-keepers?—The general superintendence of the jail is entrusted to the town treasurer, Mr. William Gardner. There are now three jailers appointed by the magistrates, who take charge and assist one another. The

Linlithgow-shire, *continued.*

The person who acted as principal jailer, and who is blind, has been dismissed within these few days, and another person taken upon trial in that capacity.

9.—Whether any airing ground?—There are no airing grounds.

10.—Present state of repair?—The state of repair is apparently good, and the magistrates listen readily to complaints on this subject, and attend to give repairs when necessary.

11.—By whom erected, and maintained?—By the magistrates and town council of the burgh of Linlithgow.

12.—By whom regulated; if by printed regulations?—By the magistrates and town council of the burgh; but there are no printed regulations.

13.—Any additional observations, which may be deemed important?—The foregoing return applies entirely to the prison or jail of the burgh of Linlithgow, the jail of the burgh of Queensferry being totally inefficient and never used. In Linlithgow jail, the two cells appropriated to the worst criminals, are sufficiently strong, being cased with stone and well secured with strong doors. But these doors communicate with an outer apartment called The *Weigh-house*, the outer entrance of which is insufficient, and might serve as a cover to the operations of any accomplice assisting the prisoners to escape. The accomplice, after forcing the outer door, might close it again from within, and thus screen his attempts on the inner doors communicating with the cells. One desperate malefactor was released in this way about five years ago, and escaped to America.

The other apartments in the jail, although not very strong, may be considered pretty secure. The reporter begs leave humbly to state his opinion, that it would be of great importance in the administration of criminal justice, if some means could be fallen upon for furnishing employment to all prisoners; and especially if offenders tried by the sheriff could be committed to hard labour, or placed under the strict regulations of a bridewell, in place of simple imprisonment or banishment from the county, which seem to be the only punishments it is now desirable to inflict (public whipping being more appropriate to crimes of a very atrocious description), and which are neither effective for correction nor for example.

It appears to the reporter, with submission, that in case of any extension of the bridewell of Edinburgh, means might be fallen upon to empower the sheriff of Linlithgow to sentence offenders on conviction to imprisonment in that establishment, the county of Linlithgow being subjected to a proportionable expense on each such commitment.

All which is humbly reported by,

Edinburgh, 7th April 1826.

John Cay,
Sheriff Depute of Linlithgow-shire.

20.—LANARK-SHIRE.

My Lord, Sheriffs Chambers Glasgow, 8th April 1826.

Lanark-shire.

I HAVE now the honour to transmit to your lordship, as Chairman of the Committee on Prisons in Scotland, the returns required from this county, accompanied with a few remarks, which I have also the honour to submit to your lordship and the Committee.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,

W. R. Robinson.

To the Right hon. the Lord Advocate of
Scotland, Chairman of the Committee
on Prisons in Scotland. London.

THE sheriff depute for the county of Lanark has herewith, in obedience to the Order of the honourable the House of Commons, of 23d March last, transmitted the returns of each of the jails in Lanarkshire, as made out by those having the immediate charge thereof. In reference to Nº 13, of said Order, the sheriff depute shall repeat the *Remarks* formerly made to the lord advocate, on the occasion of a late return relative to the state of the jails of the county.

REMARKS.

THESE may be divided into two branches; first, as to the present state of the jails with regard to accommodation, &c.; and secondly, as to the question whether it would be advisable that there should only be one jail for the county.

In the first branch the most important is the Glasgow jail, which, though not old, was built at a time when the attention of the public had not been directed so much to the beneficial results arising from prison discipline, which has of late years attracted so much attention. The jail of Glasgow is not provided with such accommodation as can admit of the proper classification of prisoners. There are only eight divisions or day rooms for male felons, and when the jail is crowded it is sometimes necessary to put from 12 to 18 prisoners into each of these divisions; thus mixing in one promiscuous assemblage, the vicious in every stage of delinquency. This is peculiarly the case in that part of the jail which is allotted for the accommodation of female prisoners, for whose accommodation there is *only* one day room and one night room, though the inmates sometimes amount to thirty in number; thus as females of all ages and in every gradation of crime are grouped together, and must be thus detained sometimes for weeks or months, the consequences of such contagion and such unrestrained intercourse are self obvious. Indeed as a place of confinement with a view to a check on crime, the want of sufficient accommodation in the Glasgow jail, must be productive of the great evil of sending many prisoners at the period of dismissal, into society much more corrupted than they were when first sent to jail. Farther, there is a great defect in accommodation for solitary confinement, as the cells appropriated for this purpose have scarcely a ray of light, and they are entirely without ventilation; indeed this last is an objection which applies to the whole felon department, as that side of the jail, including the jailer's house, is situated in the immediate vicinity of the public slaughter-houses of this populous city, from which it is separated only by a narrow lane, and the ventilation which is at all times imperfect, becomes frequently impregnated with an effluvia of the most disagreeable and impure nature. It may be farther remarked, that the crowding so many male prisoners together in one apartment, affords an excitement to the planning of those desperate attempts to overpower the keepers and to break out of jail, which have occasionally taken place. On occasion also when there are several persons concerned in any crime, it is very difficult to get them kept separate with a view to prevent a concocted and connected story. Nor is this all, as the informer or person willing to become a crown witness, is confined with his associates, or with those who if they knew of his contrition or his desertion of their cause, will render his life unsafe or uncomfortable.

The accommodation for civil debtors is reasonably good, though rather limited when there happens to be a number confined at the same time. But on the whole and particularly in relation to the criminal department, the jail of Glasgow is defective, and in many respects inadequate for such a city; and the present want of accommodation must be kept in view in considering the expediency of any proposed measure by which the number of prisoners would be increased, in consequence of having only one jail for the county.

The jails of Hamilton and Lanark are greatly defective both in accommodation and security; and as there is no guard there are constant opportunities of furnishing from without implements to break prison; many instances have occurred within these few years of prisoners both criminal and civil having escaped. If therefore jails are to be continued in these places, it seems absolutely necessary that others more suitable for the purpose should be erected, and this is more particularly and immediately called for in the Middle Ward of the county, which now embraces a population (a large proportion of which is manufacturing) not under fifty thousand,

On

Lanarkshire, *continued.*

On the second branch of these Remarks, viz. Whether one jail would be sufficient for the purposes of the county, various considerations present themselves. If the jail of Glasgow contained ample accommodation, a more perfect and uniform system of prison discipline might be effected under the eye of the sheriff and magistrates at Glasgow, than is perhaps attainable in the smaller towns. But it does not appear that even if the measure of one great jail for the criminal prisoners of this county were adopted, that this could be carried into effect, till after the prisoners accused were committed till liberated in due course of law. It seems necessary that each of the districts should have a suitable place of confinement, in which persons accused may not only be lodged with safety, but detained (if not under bail) till the precognition be finished, and the prisoner fully committed. If sent to Glasgow, and as it frequently happens the cases are remitted to be tried by the sheriff, then the prisoners would have to be transmitted to the different wards for trial, or the whole to be tried before the sheriff at Glasgow, thus increasing the expenses of bringing the witnesses there from the more remote parts of the county. The insufficiency of the jails at Hamilton and Lanark, have rendered it necessary for the sheriff to order the prisoners charged with the graver offences and who are to be tried before the justiciary, to be brought to Glasgow and incarcerated in the jail there; and perhaps it might be an expedient rule, that all prisoners throughout the county, who are to be indicted for trial before the justiciary, should be sent to the jail in Glasgow.

But independently of the difficulty if not the impossibility of carrying on criminal investigations in their first stages, in the middle and upper wards, without a legalized jail, there are other reasons which present themselves in support of the necessity of having separate jails for each of these wards; for instance, the magistrates of Lanark and justices of the upper and middle wards have a criminal jurisdiction; and the magistrates both of Hamilton and of Lanark have a civil jurisdiction and may imprison to the effect of enforcing their judgments; and the decrees both of the sheriff and of the justices may be enforced under the Small Debt Act by imprisonment, so that the removal of the jails would either occasion much additional expense and trouble or render their decrees in a great measure nugatory. The measure therefore of having one jail for the whole county, appears of doubtful expediency, except to the effect that all criminals finally committed to take their trial for the graver offences, and before the court of justiciary, should be transmitted to Glasgow therein to be detained till trial. It is unnecessary to make any remarks as to the Calton Jail or that of Rutherglen, as the first is regulated by an Act which gives the magistrates of Calton an exclusive jurisdiction in small cases; and the jail of Rutherglen is never used except for very temporary purposes, as the persons charged with any crime are immediately transmitted to Glasgow and handed over to the sheriff.

Sheriffs Chambers Glasgow, *W. R. Robinson.*
8th April 1826.

Accompanied by,

(1).—Return relative to the Jail of Glasgow.
(2.)—D° - relative to the Bridewell of Glasgow.
(3.)—D° - relative to the Prison of Hamilton.
(4.)—D° - relative to the Prison of the Burgh of Lanark.
(5.)—D° - as to the Prison and Bridewell of Calton.
(6.)—D° - as to the Jail of Rutherglen.

(1.)—GLASGOW JAIL.

1.	2.	3.	4.	5.	6.
Name of Prison, and where situated.	Common Jail, or House of Correction.	Number of Prisoners it is capable of containing.	Number of Classes for Criminals.	Number of Apartments for Criminals.	Number of Prisoners committed in the Year 1825.
Glasgow jail, in the city of Glasgow.	Common jail	100 prisoners, reckoning two prisoners to each sleeping cell.	Eight classes for criminals. In the present state of the building, it does not appear that these could be increased.	Fifty sleeping cells, eight day rooms of large dimensions, and two large rooms for females.	Criminals: Males - - - 568 Females - - - 152 Total - - 720 Debtors: Males - - - - 651 Females - - - 33 Total - - 684

Glasgow Jail,
7th April 1826.

(2.)—BRIDEWELL OF GLASGOW.

1.	2.	3.	4.	5.	6.	7.
Name of each Prison, and where situated.	Whether Common Jail, or House of Correction.	Number of Prisoners it is capable of containing.	Number of Classes for Criminals, exclusive of Debtors; and whether they can be increased.	Number of Apartments, distinguishing those of Criminals from those of other Prisoners.	Number of Prisoners committed in the Year 1825, distinguishing Criminals from Debtors, and Males from Females.	The greatest Number of Prisoners Confined during the Year 1825, at any one time.
Bridewell for the county of Lanark, and city of Glasgow at Glasgow.	House of Correction.	275, allowing a cell to each prisoner.	22. Cannot be increased.	275, exclusive of 15 work rooms, and other necessary apartments, such as store rooms, cooking and washing houses, &c. &c. for criminals. No apartments for other prisoners.	558 males. 703 females. 1,261 Total. All criminals.	238.

(1.)—GLASGOW JAIL

7. Greatest Number of Prisoners in 1825.	8. Number of Keepers and Under-Keepers.	9. Whether any Airing Ground.	10. Present State of Repair.	11. By whom Erected, and Maintained.	12. By whom Regulated; and if by printed Regulations.
114 criminals on the 27th April.	1 keeper. 1 clerk. 2 felons' turnkeys. 2 debtors' - d° 1 doorkeeper and searcher. 1 female searcher. 2 cooks. — 10	Two large courts, into which the windows of the debtors and criminals look, but cannot be used as airing grounds.	Good.	Erected at the expense of the burgh, and maintained from the funds thereof.	Magistrates of Glasgow, who have framed printed regulations for the internal management.

James Watson, Govr.

(2.)—BRIDEWELL OF GLASGOW.

8. Number of Persons employed as Keepers and Under-Keepers.	9. Whether any Airing Ground.	10. Present State of Repair.	11. By whom Erected, and Maintained.	12. By whom Regulated; if by printed Regulations.	13. Any additional Observations, which may be deemed important.
Nine, exclusive of four female turnkeys, selected from the inmates.	Two acres.	Good.	Erected from an assessment on the county at large. Maintained by a yearly assessment on the city of Glasgow, and lower ward of the county only.	There are 25 Commissioners by the Act, who appoint a committee of their number to meet once a month for the purpose of looking after the affairs of the establishment. There are no printed regulations. The minutes of the committee of management comprise the general instructions.	The prisoners are kept separate, and at constant work from six o'clock morning till eight at night. The average number daily in the house, for last year, was 200; and the cost of this Bridewell to the public, for maintaining and keeping prisoners, including all salaries, and every thing else connected with the internal management of the establishment, for sixty-three and a half weeks, was 593*l.*; so that when this balance is applied to the average number of inmates, it comes at the rate of 2*l.* 8*s.* 9*d.* per annum for each prisoner. During what is gone of the year 1826, there have been more males committed than females. The female prisoners are kept in a distinct building from the males, and are under the control of officers of their own sex.

William Brebner, Superintendent.

(3.)—PRISON OF HAMILTON.

Lanark-shire, *continued.*

Answers to Queries:—

1.—Hamilton jail, situated in the centre of the burgh of Hamilton, in the county of Lanark.

2.—A common jail or prison.

3.—The apartments of the prison are in number and size as follows; from which an opinion may be formed of the number of prisoners it is capable of containing:

Debtors rooms	N° 1.	18 feet by 12 feet;	height of ceiling - 10 feet
	2.	18 by 14	d° - - - - 10 feet
	3.	18 by 9	d° - - - - 8 feet
Criminal d° -	N° 1.	7½ feet by 8½	height of ceiling - 6 feet 9 inches
	2.	7½ by 8	d° - - - - 5 feet 9 inches.

4.—Answered by N° 3, but cannot be increased.

5.—Answered by N° 3.

6.—Eighty-three prisoners committed in 1825:

Debtors - - - - - - -	36 all male
47 Criminals: Male, 43; Female, 4 - -	47
	83.

7.—Fifteen confined at one time; viz. 6 debtors and 9 criminals.

8.—One keeper, who employs an assistant.

9.—No airing ground.

10.—In sufficient repair, but an old fabric, built in 1642.

11.—Erected by the family of Hamilton, when lords of regality, and afterwards conveyed to the magistrates of the burgh.

12.—Regulated by the magistrates of the burgh; no printed regulations.

13.—There is no accommodation in the jail for lodging the keeper; the windows look into the street; although iron grated and inside shutters, still sometimes, by means of accomplices and ropes, implements have been procured to enable the prisoners to break the jail, which would be guarded against if the keeper resided in the jail, and if surrounded by a stone wall.

Hamilton, 3d April 1826. *Will. Hamilton,* Chief Magistrate.

(4.)—PRISON OF THE BURGH OF LANARK.

Sir,

IN answer to your letter of the 1st instant, I beg leave to subjoin the following Answers to the Queries respecting the jail of this burgh, therein contained:

1.—Lanark; situated in the middle of the town.

2.—Common jail.

3.—There are four apartments in the prison, which cannot contain more than two prisoners

(6.)—JAIL OF RUTHERGLEN.

1.	2.	3.	4.	5.	6.			
Name of Prison, and where situated.	Whether Common Gaol, or House of Correction.	Number of Prisoners it is capable of containing.	Number of Classes for Criminals, exclusive of Debtors, and whether they can be increased.	Number of Apartments, distinguishing those of Criminals from those of other Prisoners.	Number of Prisoners committed in the Year 1825, distinguishing Criminals from Debtors, and Males from Females.			
					DEBTORS.		CRIMINALS.	
					Males.	Females.	Males.	Females.
Rutherglen	Common Gaol	Six	Four; may be increased.	Four for Criminals, and Two for other Prisoners.	5	–	12	1

Rutherglen, 8 April 1826.

Lanark-shire, *continued.*

prisoners each; at least they would be too much crowded if more prisoners were put in them.

4.—There are no proper classification, and they cannot be increased.

5.—Four apartments, one of which is alone kept for criminals, but frequently there are criminals in some of the other rooms.

6.—In the year 1825, there were 22 prisoners committed; 12 of them being criminals, and 10 being debtors; 20 being males, and two females.

7.—Five was the greatest number confined at any one time.

8.—Thomas Cunningham is the only person employed as keeper, and he has no under-keepers.

9.—No airing ground, nor is there room for any, where the prison is situated.

10.—The prison is at present in a tolerable good state of repair.

11.—By the town of Lanark.

12.—By the magistrates of Lanark; but by no printed regulations.

I am, Sir, your most obedient humble servant,
Robert Hutchinson, Pro.

(5.)—PRISON AND BRIDEWELL OF CALTON AND MILE-END.

1. Name of each prison, and where situated?—Calton prison and bridewell; situated in the burgh of Calton.

2. Whether common jail, or house of correction?—Criminal jail and house of correction.

3. Number of prisoners it is capable of containing?—Twelve persons, being intended for solitary confinement.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—No debtors imprisoned in this jail; bridewell may be increased, but not required at present.

5. Number of apartments, distinguishing those of criminals from those of other prisoners? —Twelve apartments, all for criminals.

6. Number of prisoners committed in the year 1825, distinguishing criminals from debtors, and males from females?—Fifty-three: viz. 41 males, and 12 females; all criminals.

7. The greatest number of prisoners confined during the year 1825, at any one time?—Seven, and only for a few days, there being frequently no prisoners.

8. Number of persons employed as keepers and under-keepers?—One person.

9. Whether any airing ground?—None.

10.—Present state of repair?—New prison.

11. By whom erected, and maintained?—Magistrates and commissioners of police.

12. By whom regulated; if by printed regulations?—Magistrates and commissioners of police; regulations not printed.

Robert Bryce,
Superintendent of Police.

(6.)—JAIL OF RUTHERGLEN.

7. The greatest Number of Prisoners confined during the Year 1825, at any one time.	8. Number of Persons employed as Keepers and Under-keepers.	9. Whether any Airing Ground.	10. Present State of Repair.	11. By whom Erected, and Maintained.	12. By whom Regulated; if by printed Regulations.
Four	One Keeper	None	Good	The corporation of the burgh.	Magistrates and council of the burgh. No printed regulations.

Geo. Crawford, Town Clerk.

21.—NAIRN-SHIRE.

Nairn-shire.

1. Name of each prison, and where situated?—The only prison in the county of Nairn is called the Tolbooth of Nairn, and is situated within the burgh of Nairn.

2. Whether common jail, or house of correction?—The said prison is a common jail.

3. Number of prisoners it is capable of containing?—The said prison is capable of containing eight, or at farthest nine prisoners.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—The only classification of prisoners in the jail of Nairn, is that described in Article 5. Debtors are kept quite apart from criminals, except occasionally, when persons committed for petty offences are allowed to mix with debtors, when the latter do not object. I conceive that the present tolbooth could be more commodiously laid out for classing the prisoners.

5. Number of apartments, distinguishing those of criminals from those of other prisoners?—There are four apartments in the said jail, one of which is allotted exclusively for debtors; two for criminals, and one for debtors, or persons committed for inferior delicts, as occasion may require.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—There were 27 prisoners committed during the year 1825;—viz. 20 criminals and 7 debtors. Of the criminals 15 were males and 5 females; and the debtors all males.

7. The greatest number of prisoners confined during the year 1825, at any one time?—The greatest number was six.

8. Number of persons employed as keepers and under-keepers?—There is only one keeper; but when circumstances may require it, he employs an assistant.

9. Whether any airing ground?—There is no airing ground attached to the said jail.

10. Present state of repair?—The present prison is new, and in good repair.

11. By whom erected, and maintained?—The said prison was erected at the joint expense of the burgh and county of Nairn, but is maintained exclusively by the burgh.

12. By whom regulated; if by printed regulations?—The prison is regulated by the magistrates of the burgh, but there are no printed regulations.

13. Any additional observations, which may be deemed important?—In the said jail, the cells for criminals are not provided with fire-places, nor is there any heat conveyed to them. Such being the case, these cells are excessively cold during winter, particularly as the floors are of stone. There are no ventilators, and the cells are ill lighted; so that it is with difficulty a person can read in them. The principal debtors room is a large and lofty apartment, formerly used as a court room, and is well aired and lighted. The other room, used occasionally for debtors, or persons committed for petty offences, (*vide* Art. 5.) is also tolerably comfortable.

The burgh funds being insufficient to afford such an allowance to the keeper of the jail, as would enable the burgh to procure a proper person to give constant attendance to the prison, the prisoners are seldom visited, except at the time of meals, the jailer being occupied with his other duties of sheriff and burgh officer, public crier and letter carrier, equally if not more than with those of jailer. He does not sleep in or near to the jail. Several escapes were effected by criminals from the said jail, previously to the commencement of last year, when the magistrates, considering that the security of the cells might be greatly increased, caused certain alterations to be made, which rendered the building much more secure. One prisoner escaped since these alterations were made; but there is no doubt that his escape was effected by the connivance of the person then in charge of the jail.

All which is most humbly reported by

Alex. Falconar, Sheriff Substitute.

Nairn, 6th April, 1826.

22.—ORKNEY AND ZETLAND.

Stewartry of Orkney.

Orkney and Zetland.

Answer to Query 1.—The only jail in the Stewartry, is the jail of Kirkwall, which is situated in the centre of the burgh,

Answer to Query 2.—It is a common jail.

Answer to Query 3.—At the utmost, the jail may be made to contain fifteen prisoners, *viz.*; six in the largest room in the upper story of the jail, which measures 25 feet by 16; three in a smaller room adjoining, measuring 17 feet by 11; four in two cells in the ground story. There are also two cells on the ground story, which owing to their bad condition, have not been used for many years; but which might be rendered capable of securing one prisoner each.

Answer to Query 4.—There has been no classification of prisoners, excepting that those committed upon capital charges, have been generally confined in the cells.

Answer to Query 5.—There are six apartments, the two in the upper story being used for debtors, and the cells below for criminals.

Answer to Query 6.—Fourteen; ten criminals and four debtors, *viz.*; six male criminals, four female criminals, and four male debtors.

Answer to Query 7.—Three.

Answer to Query 8.—One jailer only. There is no under-keeper.

Answer to Query 9.—There is no airing ground.

Answer to Query 10.—The jail is at present in a very bad state of repair.

Answer to Query 11.—The jail was erected at the expense of James Earl of Morton, then proprietor of the earldom of Orkney, and donator of the crown rents. It has since been maintained at the expense of the incorporation of the burgh of Kirkwall.

Answer to Query 12.—By the magistrates of Kirkwall. There are no printed regulations.

Answer to Query 13.—This jail appears quite insufficient, and must either be repaired or rebuilt. The situation in which it is placed, appears extremely ill chosen, being in the centre of the burgh, and where it is impossible to obtain airing ground so necessary for the health and accommodation of the prisoners.

From the peculiar situation of the stewartry of Orkney it does not seem possible that the proposal of making a district jail, in connection with the other northern counties at Inverness, can be adopted. Although nominally subject to the jurisdiction of the Circuit Court of Justiciary at Inverness, no delinquents from Orkney have been tried there for upwards of forty years; it having been found more expedient and much less expensive, that they should be transmitted for trial before the High Court of Justiciary at Edinburgh. This circumstance of itself, proves, that the proposal of a district jail at Inverness, is quite unsuitable to the stewartry of Orkney.

J. A. Maconochie,

Edinburgh, 17th April 1826. Sheriff Depute of Orkney and Zetland.

Lordship of Zetland.

Answer to Query 1.—One. The only jail in the lordship of Zetland, is the jail of Lerwick, situated in the centre of that town.

Answer to Query 2.—Common jail.

Answer to Query 3.—Eight or nine prisoners.

Answer to Query 4.—There has been no classification prisoners, nor from the state of the prison, does it appear that any can take place.

Answer to Query 5.—There are five apartments; two cells for criminals on the sunk story, and two apartments in the upper story for civil debtors.

Answer to Query 6.—Information not obtained.

Answer to Query 7.—Information not obtained.

Answer to Query 8.—One jailer only. There is no under-keeper.

Answer to Query 9.—There is no airing ground.

Orkney and Zetland, *continued.*

Answer to Query 10.—The jail is at present in a tolerable state of repair; but from there being no court-yard, and the cells being lighted from the public street of Lerwick, great facilities are afforded for prisoners making their escape.

Answer to Query 11.—The jail was erected at the expense of the landholders of the lordship of Zetland, and by whom it is now maintained.

Answer to Query 12.—There are no printed regulations. It is under the controul of the sheriff substitute of Zetland.

Answer to Query 13.—This jail having been built at a time when the population of the Zetland islands did not exceed one half of the present amount, has become quite inadequate in point of size. Being built in the centre of the town of Lerwick, the situation is not at all good, as there is no possibility of obtaining airing ground for the prisoners, or even increasing the dimensions of the jail, without encroaching on the public street. From the distance between Orkney and Zetland, and the little intercourse subsisting between these districts, it does not appear possible that one jail built in Orkney, could suffice, and that of Lerwick be dispensed with. The same objections occur to that measure as to making a district jail for the northern counties, including Orkney and Zetland, at Inverness.

J. A. Maconochie,
Sheriff Depute of Orkney and Zetland.

Edinburgh, 17th April 1826.

23.—PEEBLES SHIRE.

Peebles-shire.

Answer to Query 1.—Peebles prison, situated in the centre of the town of Peebles.

Answer to Query 2.—It is a common jail.

Answer to Query 3.—It is capable of containing eight prisoners.

Answer to Query 4.—There are two rooms for criminals, and one for debtors; and these apartments cannot be increased without considerable expense.

Answer to Query 5.—Answered in Article 4th.

Answer to Query 6.—The number of prisoners committed for the year 1825, were eight; seven of them males, and one a female; all except one for petty crimes. Debtors none.

Answer to Query 7.—The greatest number of prisoners confined during the year 1825, at any one time, were three.

Answer to Query 8.—The number of persons employed as keepers, are, one keeper, and one assistant.

Answer to Query 9.—There is no airing ground walled in for the use of the prisoners, but there is space sufficient for that purpose.

Answer to Query 10.—The prison is a modern building, and in good repair, and contains two apartments below for the keepers, and three above for the prisoners. All the apartments vaulted.

Answer to Query 11.—Erected by the magistrates of the burgh, and the building maintained by them.

Answer to Query 12.—Regulated by the magistrates who give such orders, from time to time, as they think necessary; but there are no printed regulations.

Answer to Query 13.—The sheriff has no additional observations to make, further than that he considers the accommodation for prisoners, by which he means debtors, criminals and females, on a somewhat too limited scale; and the want of airing ground to the jail, is another inconvenience which could easily be remedied at no great expense.

J. Burton,
Sheriff Substitute of Peebles-shire.

Minden Cottage, Peebles,
31st March 1826.

24.—PERTH-SHIRE.

(1.)—*Perth Gaol.*

Perth-shire.

1. Name of each prison, and where situated?—Perth jail, in the city of Perth.

2. Whether common jail, or house of correction?—Common jail.

3. Number of prisoners it is capable of containing?—Eighty-two, exclusive of the accommodation afforded by five small cells, appropriated for the use of the police.

4. Number of classes for criminals, exclusive of debtors; and whether they may be increased?—The part of the jail appropriated to male criminals, consists of a day room and 10 cells, each suitable for containing two criminals; but when the jail is crowded, three criminals are sometimes put into a cell. The part of the jail appropriated to female criminals, consists of four rooms, each capable of containing four prisoners.

5. Number of apartments, distinguishing those of criminals from those of other prisoners?—Fifteen apartments for criminals, as specified in the answer to last query. Nine apartments for debtors, whereof five are capable of containing two prisoners in each, and are appropriated to ordinary debtors. Four are capable of containing four prisoners in each, and are appropriated to crown debtors. There are also five cells used for detaining prisoners brought by the police, through the course of the night. There is a police court room and an executioner's room.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Male criminals 56; female criminals 20; males confined by police 49; females confined by police 33; male vagrant 18; female vagrants 14; ordinary debtors, all male, 52; King's debtors, all male, 27.

7. The greatest number of prisoners confined during the year 1825, at any one time?—Sixty.

8. Number of persons employed as keepers and under-keepers?—One jailer and one under-jailer.

9. Whether any airing ground?—Four separate divisions of airing ground.

10. Present state of repair?—Good.

11.—By whom erected and maintained?—By the county of Perth and the city of Perth. This matter is regulated by an Act of Parliament, passed in 1813, and an amendment thereof in 1815. By these Acts, the whole sum to be disbursed, is limited to 10,000*l.* whereof 4,000*l.* was to be contributed by the county, and 6,000*l.* besides the area, for the building and airing grounds, of a certain extent, by the magistrates and council of the city, without assessing the inhabitants. As to the repairs and keeping up the establishment, the county to contribute one third, the city two thirds.

12.—By whom regulated; if by printed regulations?—By the magistrates and town council of the city of Perth. By printed regulations.

Dunⁿ M^cNeill,

7th April 1826. His Majesty's Sher. Dep. for Perth-shire.

(2.)—*Culross Jail,*

1. Name of each prison, and where situated?—Culross jail, in the borough of Culross.

2. Whether common jail, or house of correction?—Common jail.

3. Number of prisoners it is capable of containing?—Four.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—One apartment is generally kept for criminals.

5. Number of apartments, distinguishing those of criminals from those of other prisoners?—Two apartments, one used for criminals and the other for debtors, when there are both debtors and criminals in the jail.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Five debtors, of whom four were males, and one was a female.

7. The greatest number of prisoners confined during the year 1825, at any one time?—One only.

8. Number of persons employed as keepers and under-keepers?—One keeper.

Perth-shire, *continued.*

9. Whether any airing ground?—None.

10. Present state of repair?—Tolerably good.

11. By whom erected, and maintained?—Maintained by the magistrates, out of the burgh funds.

12. By whom regulated; if by printed regulations?—By the magistrates. No printed regulations

Dunn M'Neill,
7th April 1826. His Majesty's Sher. Dep. for Perthshire.

(3).—*Lock-up Houses.*

There are in the county of Perth certain lock-up houses, which are neither common jails nor houses of correction, but are merely places for the temporary confinement or detention of delinquents. The particulars specified in the order of the Committee, do not seem to apply directly to these lock-up houses, but it has been thought proper to notice them in the Return.

One of these lock-up houses is situated, about 26 miles from Perth, at Dunblane, in the western extremity of the county, and at which place there is a resident sheriff substitute. This lock-up house consists of four cells; two of these are on the first floor, above the level of the street, and enter from the lobby of the sheriff court house; the other two are on the ground floor; are not in good repair, and are seldom used, unless for the detention of vagrants for a few hours.

The other lock-up house is at Dunkeld, about 15 miles from Perth. It consists of only one cell.

None of these lock-up houses have any airing ground.

They are both maintained at present at the expense of the county.

Dunn M'Neill,
7th April 1826. His Majesty's Sh. Dep. of Perth-shire.

25.—ROSS-SHIRE.

Burgh of Tain.

Ross-shire.

Answer to Query 1.—The prison of Tain has no particular name, but is situated in the centre of the burgh.

Answer to Query 2.—It is a common jail.

Answer to Query 3.—The prison of Tain consists of four apartments; but there is at present erecting, and will be completed by the 1st of July 1826, a spacious and commodious court house, and a new prison, which will contain five separate apartments.

Answer to Query 4.—The present prison house, which, as already said, consists of but four apartments, will, after the completion of the new prison, be devoted to the confinement of criminals; at least, it is intended that two or three, as occasion may require, of the apartments therein, shall be appropriated for that purpose.

Answer to Query 5.—The new prison house shall contain five separate apartments, which are intended exclusively for the confinement of debtors; and one apartment in the old or present prison house will, if necessary, be also fitted up for the reception of debtors.

Answer to Query 6.—There were eleven prisoners in the jail of Tain in the year 1825, of whom five were criminals, three for offences against the excise laws, and three debtors. Three of the criminals were females; the other seven were males.

Answer to Query 7.—The greatest number, at any one time, is four.

Answer to Query 8.—There are two officers employed as keepers of the prison, but there is no under-keeper.

Answer to Query 9.—There is no airing ground attached to the old or new prison; but the new prison rooms command an extensive view, and admit of free and pure air.

Answer to Query 10.—The old prison is in a bad state, but is immediately to undergo a repair; and the new prison will be open for the reception of prisoners on the 1st of July next.

Answer

Ross-shire, *continued.*

Answer to Query 11.—The old prison was erected and maintained by the burgh; and the new prison is also erected by the burgh, aided by a small contribution of 400*l.* sterling from the county.

Answer to Query 12.—There are no printed regulations for the management of the prison, but it is wholly under the control and superintendence of the magistrates.

Answer to Query 13.—The greatest number of prisoners confined in the jail of this burgh, were chiefly smugglers against the Excise laws; the number of whom, and of the offences against those laws, it is hoped, will soon be greatly diminished; and the prison of Tain, it is therefore conceived, will contain comfortable accommodation for both debtors and creditors.

Certified by *Don^d M^cLeod,* Sh. Depute.

Burgh of Dingwall.

Answer to Query 1.—The prison of Dingwall has no particular name; it is situated in the centre of the borough.

Answer to Query 2.—It is a common jail.

Answer to Query 3.—It consists of three apartments, besides a room for the sheriff and magistrates courts, two whereof are on the ground floor for criminals, and one on the upper floor for debtors.

Answer to Query 4.—There were eight persons in the jail of Dingwall in the year 1825.

Answer to Query 5.—There are two town officers, who are the acting jailers, and no under-jailers.

Answer to Query 6.—There is no airing ground attached to the prison, nor could there be any, from its being surrounded on two sides by other properties, and on the other two sides open to two streets, running at right angles to each other.

Answer to Query 7.—The prison is perfectly ruinous and insecure, and destitute of every comfort, and not even water tight.

Answer to Query 8.—The prison has been in use to be maintained by the magistrates of the burgh; but their funds are very low, and by no means adequate to even the keeping it in repair, far less to renew it.

Answer to Query 9.—There are no printed regulations; the greater number of prisoners confined in this prison, have been chiefly smugglers for illicit distillation.

Answer to Query 10.—The prison is superintended by two of the burgh magistrates or baillies, from whom the jailer takes his instructions.

Answer to Query 11.—There is no accommodation for a jailer living within the prison, but they reside within the burgh, and are bound to visit the prisoners regularly, at times of their meals.

Certified by *Don^d M^cLeod,* Sheriff Depute.

26.—ROXBURGH-SHIRE.

1. Name of Prisons, and Where situated.	2. Whether Common Jail, or House of Correction.	3. The Number of Prisoners it is capable of containing.	4. The Number of Classes for Criminals, exclusive of Debtors; and whether they can be increased.	5. The Number of Apartments, distinguishing those of Criminals from those of other Prisoners.	6. The Number of Prisoners committed in the Year 1825; distinguishing Criminals from Debtors, and Males from Females.
One, named the Castle of Jedburgh, situated at Jedburgh, the county town, where the circuit courts are held for the counties of Roxburgh, Berwick, Selkirk and Peebles; and One at Kelso, Hawick, Melrose, and New Castle-town.	The one part is used as a common jail, and the other as a house of correction; a separation of about 15 feet being only between them, and there being a communication frem the one to the other on the second story. The whole is surrounded by a high wall. Those at Kelso, Hawick, Melrose, and New Castleton, are merely lock-up houses, or places of temporary confinement till the prisoners are sent to Jedburgh, when necessary.	The jail is capable of containing 38, and the house of correction 16 prisoners.	Two classes for male criminals, one class for female criminals, and one class for debtors, in the jail; and in the house of correction there are two classes for male criminals, and one for female criminals. These could only be increased by additional buildings, which might be erected within the outer wall, or by converting the whole into a jail, and erecting another house of correction.	There are 23 in the jail; viz. eleven night cells, and two day rooms for male criminals; four night cells, and one day room for female criminals; and four night rooms, and one day room for debtors. In the house of correction there are 16 apartments; viz. eight for night, and eight for day, in which last the criminals work in terms of their sentences.	Fifty; viz. 34 male and 4 female criminals, and 12 debtors.

27.—SELKIRK-SHIRE.

Answer to Query 1.—The only prison within the county is that of Selkirk, which is situated without the town, but within the territory of the burgh of Selkirk.

Answer to Query 2.—It is a common jail.

Answer to Query 3.—The number of prisoners it is capable of containing depends on what may be considered a proper number to be confined in each cell.

There are two rooms for debtors, each of which could contain at least two - -	4
And nine cells for criminals, in each of which, if necessary, it is thought two could be confined; but there has seldom been occasion for putting more than one in each cell - - - - - - - - - - - - - - -	9
	13

Answer to Query 4.—There are no classes for criminals.

Answer to Query 5.—As already stated; there are two rooms for debtors, and nine cells for criminals.

Answer to Query 6.—There were three prisoners committed in the year 1825, all criminals, two males and one female.

Answer

26.—ROXBURGH-SHIRE.

7. The greatest Number of Prisoners confined during the Year 1825, at any one time.	8. The Number of Persons employed as Keepers and Under-Keepers.	9. Whether there are any Airing Grounds.	10. The present State of Repair.	11. By whom Erected, and Maintained.	12. By whom Regulated; and if by printed Regulations.	13. Any additional Observations, which may be deemed important.
Thirteen; viz. 9 criminals, and 4 debtors.	There is one keeper and one under-keeper, for both the jail and house of correction,	There are four airing-grounds for the gaol, viz. three for male and one for female criminals, and one for debtors; and there are two for the house of correction, viz. one for males, and one for females.	Both the jail and the house of correction are in complete repair, having only been lately erected.	Both the jail and the house of correction were erected, and are maintained, by the county of Roxburgh and the burgh of Jedburgh jointly.	The jail is regulated by the magistrates of Jedburgh. There are no printed regulations, but a copy of them in writing, now acted upon, accompanies this return.—*Not inserted.* The house of correction is regulated by the sheriff and justices of the peace. There are no printed regulations, those of the burgh being acted upon in all cases where they do not interfere with the sentences of the prisoners, or the warrants upon which they are committed.	No observations occur in addition to the answers now given to the preceding queries.

Robt Shortreed, Sheriff Substitute of Roxburgh-shire.

Answer to Query 7.—The greatest number of prisoners confined during the year 1825, at any one time, was one.

Answer to Query 8.—There is one jailer.

Answer to Query 9.—There is a court or yard or airing ground around the prison.

Answer to Query 10.—The prison is in good repair.

Answer to Query 11.—It was erected by the heritors of the county, and from the funds of the burgh, by voluntary subscription. It is maintained from the burgh funds.

Answer to Query 12.—It is regulated by the magistrates of the burgh. There are no printed regulations.

Answer to Query 13.—The only additional observation which occurs to be made is, that although, as has been mentioned under Nº 9, there is a court or airing-ground around the prison, into which *criminals* are occasionally allowed to go, under the inspection of the jailer (for the height of the wall is scarcely such as to make it safe to allow them without his being present with them), yet *debtors* are never allowed to go into it, the magistrates not having authority to give them that indulgence, without rendering themselves liable for the debt.

Selkirk, 1st April 1826. *W. Scott.*

28.—STIRLING-SHIRE.

A RETURN of the Number of Prisons in the County of Stirling, with the Number of Persons employed in each Prison, distinguishing those destined for Criminals, from those for Prisoners under Civil at one time, distinguishing Criminals from those under Civil Process;

Number of Prisons.	Where Prison situated.	Number of Apartments contained in each Prison.			Average Number of Prisoners in each Prison, during last Three Years.			Greatest Number of Prisoners at one time, during last Three Years.			Number of Persons employed under respective Keepers of Prisons.
		For Criminals.	For other Prisoners.	Total.	For Criminals.	For other Prisoners.	Total.	For Criminals.	For other Prisoners.	Total.	
One	Within the burgh of Stirling.	6*	4	10	- -	- -	- -	- -	- -	- -	Two men are constantly employed under the jailer, who, besides other duties, have to carry water for the use of prisoners, and other contingent duties. *Note.*—Two extra men have been employed for the last four months, to assist the afore-mentioned two in the protection of the prison, owing to the number of criminals now confined in it.
		In year 1823			30	13	43	—	—	—	
		D° - 1824			19	7	26	42	9	51	
		D° - 1825			40	9	49	—	—	—	
		* *Note.*—Two of these six apartments for criminals, are in the upper attic story of the prison, and very insecure, and there are four small cells in the sunk story.									

REMARKS on the State of Prisons in said County, not comprehended in any of the preceding Columns.

From the foregoing Return it will be seen:—

1. That there is but one prison within the bounds of the county of Stirling.

2. That that prison is situated within the burgh of Stirling, and is now in a most insufficient and insecure state.

3. That it was erected, and is now maintained, at the sole expense of the burgh of Stirling.

4. That it was erected within the last twenty years, and cost "with the court-house," about 4,000*l.* to the burgh.

5. That it is the magistrates of the burgh that regulate the prison, and that there do not appear to be any printed regulations for the management of it.

6. That the number of apartments in the prison for the custody of prisoners, and including two rooms in the upper story, are ten, exclusively of four small cells in the lower part of the prison, and which are under the level of the street, with a small apartment (and place of keeping lumber off it) in which the jailer and keepers generally remain during the day and in which the extra keepers now remain during the night, since Nov. last, when he was appointed.

7. That the average number of prisoners in this prison was, in the year 1823, forty-three; in 1824, twenty-six; and in 1825, forty-nine; making an average for the last three years, of 118.

8. That the greatest number of prisoners at any one time, during the last three years, appears to have been 51.

28.—STIRLING-SHIRE.

in taking charge of the Prisons, under the respective Keepers thereof; also, number of Apartments contained
Process; also, average Number of Prisoners for the last Three Years, and the greatest Number
together with other information connected with the state of said Prisons.

Whether there is any Airing Ground connected with the Prisons.	Present State of Repair of the Prisons, and whether they are sufficiently Secure.	By whom Prisons Erected, and Maintained.	By whom Prisons Regulated; and if by Printed Regulations.
- none -	The prison was built within these 20 years, and is in a tolerable state of repair though very insecure. It has been broken out of through the roof frequently, and was attempted lately by the back wall of the criminals apartments, but it was discovered in time to prevent their escape, the staunchels having been repeatedly cut and escapes made; the inner partition having also been cut through between the one apartment and the other.	The prison was erected at the sole expense of the burgh of Stirling, and is maintained by the burgh; it cost, "together with the court-house," about 4,000*l.* sterling.	The magistrates of the burgh regulate the prison, but I am not aware that they have any printed regulations, but always give their directions verbally to the jailer, and these consequently are frequently changed; the magistrates retiring from their official duties generally once in two years, and sometimes each year. *R. Macdonald*

Note:—The great defect of this prison, in point of security, as well as with respect to the accommodation and comfort of the prisoners, is:—

1. That it has no airing ground.
2. That neither the keeper of the prison nor any of his under-keepers, remain constantly in or even near to the prison; arising from the circumstance of there being no apartment within the prison or near to it, allotted for the jailer or keeper, or any of his under-keepers.
3. There are no water closets, nor any convenience of that description at all in the prison; the consequences are, that great nausea is occasioned by the unavoidable necessity that exists, for carrying the filth of the prisoners through the prison.
4. There is no water attached to the prison, the under-keepers being obliged to carry water from a considerable distance.
5. There is no clergyman attached to the prison.
6. Nor schoolmaster.
7. Nor medical attendant; nor any fund for the payment of medical practitioners who may be called upon for advice, in case of any of the prisoners being taken ill.
8. The principle which has been all along acted upon, with regard to this prison (excepting since November last, when two extra keepers were attached to the prison, the one keeping watch within the prison all night, and the other during the day,) of the keeper locking the prison up every night, at 9 o'clock, dismissing his under-keepers for the night, and going to his own house, which is situated in a different part of the town from the prison, has appeared all along to me to have been so improper in every point of view, not only as regarded the security and safe custody of the prisoners, but in the event of the sudden illness of any of the unfortunate inmates; or in the case of fire! the probable consequences might have been truly deplorable. So much convinced of either of these contingencies did I feel, that at various general meetings of the county, both at the Michaelmas head courts, and at the 30th of April county meetings, I have time after time, not only stated my sentiments as to the great impropriety of continuing the system upon which the jail was conducted, but did every thing in my power, in so far as remonstrance could go, to induce the adoption of an alteration in the management, but I regret to say without any success.

(*For* Suggestions as to Improvements, *see* pages 104 & 105.)

STIRLING-SHIRE—*continued.*

SUGGESTIONS as to the Improvements, and whether the Number of Prisons might with advantage be reduced, either by the establishment of one Prison in each County Town, for the reception of all Prisoners belonging to such county, or by the establishment of one Prison at each Circuit Town for the reception of all Prisoners belonging to the District; keeping in view in the event of such reduction, how the Expense of erecting and maintaining the Prisons considered necessary ought to be defrayed.

IN submitting the following report, I feel that I would be wanting in the discharge of my duty, did I not avail myself of this opportunity of bringing under the consideration of your lordship and of His Majesty's government, the necessity that exists for making a total alteration in the system and general management of the prison of the county of Stirling; and in order to show the anxiety which I have for some time felt upon this subject, I beg leave to refer to the minutes of several of the Michaelmas head court meetings of the county, to prove that I had brought this matter many years ago, and repeatedly since, under the particular notice of the heritors of the county, and of the magistrates of the burgh, and got a committee at length appointed for the purpose of making arrangements for the repair of the prison, and making such other alterations as might add to its security, as much as to the accommodation and comfort of its unfortunate inmates; but in consequence of an unlucky difference of opinion which had existed between the heritors of the county and the magistrates of the burgh, upon the grounds of the amount of proportion, 900*l.* sterling, which the heritors of the county had exacted of the burgh to pay on the one hand, and the plea of resistance to the town's liability to this advance which had been set forth by the burgh on the other, founded not only on the inability of the burgh to pay such a sum, but also, that in consideration of the burgh having already been at the sole expense of the erection of the present prison and court-house, to the extent of about 4,000*l.* the magistrates stated that they did not feel themselves warranted, even if they had funds, far less could they do so when they had no fund at all, in the adoption of any plan, the principle of which was to involve them in a liability to pay nine hundred pounds.

In this manner, and owing to the above circumstances, the prison of the county of Stirling has been totally, and I hesitate not to say, shamefully neglected, and is now in the very imperfect and insecure state above represented; nor in my humble opinion would it be prudent or proper now to attempt to make any alteration upon the present prison, or to pay out much money in the repair of it, as from the site of it, it would be quite impossible ever to make it perfect, or at all such a prison as either the county of Stirling, far less the circuit district, were its counties to unite in erecting one large district prison, upon the footing of those erected in England, and on a similar principle. With this desirable object in view, I have made it my duty within these few weeks, to investigate this matter very minutely, with all its bearings, from a desire of ascertaining not only the practicability of adopting the English system of district prisons, in this district of Scotland, but from the incalculable advantage which I am satisfied would be derived from it, to the country at large, and to this district in particular. The result has been, what I had anticipated, and warrants me now to say, that I feel neither doubt nor difficulty in recommending with deference, as the best remedy for supplying the great inconvenience for want of prisons, to which the three counties of Stirling, Kinross and Clackmanan, are at present subjected, that these counties should join in the expense of building a commodious district prison, sufficient for the accommodation and exigencies of all these counties; that this prison ought to be built in the town of Stirling. That for this purpose there are two sites, either of which might answer the intended purpose; the one of these sites is recommended by the late provost of the town of Stirling, and the other is recommended by the present provost. The first-mentioned of these is the space of ground immediately above the present jail and court house, and embraces an area (if the old houses there were removed) of 120 to 130 feet square. The other site is higher up and at the top of the same street, and embraces not only a much larger space of ground, but is better calculated in every respect, as the site for the erection of a district prison; and I have the further gratification in having ascertained from the sentiments expressed by such of the principal heritors

Stirling-shire, *continued.*

of these counties as I have had an opportunity of communicating with, that they are all favourable to the idea of the intended erection of one prison (as a district prison) for the accommodation of these counties; not only is this so, but I find on conversing on this subject, with my friend Mr. Moncrief, the sheriff of the counties of Kinross and Clackmanan, as well as with the Members of Parliament of the county and burgh of Stirling, that they all entirely coincide in opinion with me, upon this subject, and the utility of the establishment of a general district prison for the Stirling circuit district of counties.

On the subject of the reception and maintenance of the prisoners that may be sent to the district prison in Stirling, from the counties of Kinross and Clackmanan, as well as on other points connected with the expense of erecting and maintaining this district prison, it does not appear to me that much difficulty need be apprehended from these contingent circumstances, as in the view of the adoption of the plan and principle of a district prison, the heritors of these counties and the magistrates of the burgh of the district, might arrange such regulations as would be satisfactory to themselves, and might anticipate all difficulties previous to the passing of any Act of Parliament; or they might reserve in the Act, a power to make such bye-laws for the regulation and management of this prison, as might enable them at all times to preserve unanimity of sentiment, and a perfectly good understanding amongst themselves, as to the fiscal matters of the proportions of the expense of maintenance for the prisoners, which should be payable by each county respectively; as also the proportion of the expense which ought to be contributed by each, for the purchase of the site, as well as the expense of the erection, and keeping in repair of the prison, &c. &c. &c.

With a hope that if in the submitting of these observations, I have entered too much into detail, your lordship will attribute it entirely to the anxiety which I feel on the one hand, and the urgent necessity which circumstances dictate on the other, for something efficient being done with respect to the state of the prison of Stirling, without further delay.

12th April 1826. The humble report of

R. Macdonald, Sh. Dep. of Stirling-shire.

STIRLING-SHIRE—*continued.*

A RETURN of the Number of Prisons in the County of Stirling, with the Number of Persons employed in taking distinguishing those destined for Criminals, from those for Prisoners under Civil Process; also average Criminals from those under Civil Process; together with

Number of Prisons.	Where Prison situated.	Number of Apartments contained in each Prison.			Average Number of Prisoners in each Prison, during last Three Years.			Greatest Number of Prisoners at one time during last Three Years.			Number of Persons employed under respective Keepers of Prisons.
		For Criminals.	For other Prisoners.	Total.	For Criminals.	For other Prisoners.	Total.	For Criminals.	For other Prisoners.	Total.	
One - -	Within the burgh and town of Stirling.	6*	4	10	- -	- -	- -	- -	- -	- -	Two men are constantly employed under the jailer, who, besides other duties, have to carry water for the use of the prisoners, and other contingent duties.
		In year 1823			30	13	43	42	9	51	
		D° - 1824			19	7	26				
		D° - 1825, including refractory colliers.			60	9	69				
		* *Note.*—Two of these six apartments for criminals, are in the upper attic story of the prison, and very insecure.									*Note.*—Two extra men have been employed for the last four months to assist the afore-mentioned two in the protection of the Prison, owing to the number of criminals now confined in it.

REMARKS on the State of Prisons in said County, not comprehended in any of the preceding Columns.

From the foregoing Return it will be seen:—

1. That there is but one prison within the bounds of the county of Stirling, and a lock-up-house in the town of Falkirk.
2. That that prison is situated in the burgh of Stirling, and is in a most insufficient and insecure state.
3. That it was erected, and is now maintained, at the sole expense of the burgh of Stirling.
4. That it has no airing ground.
5. That it was erected within the last 20 years, and cost, with the court-house, about 4,000*l.* to the burgh.
6. That it is the magistrates of the burgh that regulate the prison, and that there do not appear to be any printed regulations for the management of it.

STIRLING-SHIRE—*continued.*

charge of the Prisons under the respective Keepers thereof; also Number of Apartments contained in each Prison, Number of Prisoners for the last Three Years, and the greatest Number at one time, distinguishing other information connected with the state of said Prisons.

Whether there is any Airing Ground connected with the Prisons.	Present State of Repair of the Prisons, and whether they are sufficiently Secure.	By whom Prisons Erected, and Maintained.	By whom Prisons Regulated; and if by Printed Regulations.
None.	The prison was built within these 20 years, and is in a tolerable state of repair, though very insecure. It has been broken out of through the roof frequently, and was attempted lately by the back wall of the criminals apartments, but it was discovered in time to prevent their escape; the staunchels having been repeatedly cut, and escapes made; the inner partitions have also been cut through between the one apartment and the other.	The prison was erected at the sole expense of the burgh of Stirling, and is maintained by the burgh; it cost, together with the court-house, nearly about (4,000*l.* sterling), Four Thousand Pounds sterling.	The magistrates of the burgh regulate the prison, but I am not aware that they have any printed regulations, but always give their directions verbally to the jailer, and these consequently are frequently changed; the magistrates retiring from their official duties generally once in two years, and sometimes each year. *R. Macdonald.*

7. That the number of apartments in the prison, for the custody of prisoners, and including two rooms in the upper story, are 10.

8. That the average number of criminals in this prison was - - in the year 1823 - - - 43

in - - 1824 - - - 26

And in - - 1825 including refractory colliers } - - - 69

Making in all an Average of - - - - - - - - 138

9. That the greatest number of prisoners at any one time during the last three years, appear to have been 51.

(*For* Suggestions, *see* p. 108.)

STIRLING-SHIRE—*continued.*

SUGGESTIONS as to Improvements, and whether the Number of Prisons might with advantage be reduced, either by the establishment of one Prison in each County Town, for the reception of all Prisoners belonging to such County, or by the establishment of one Prison at each Circuit Town, for the reception of all Prisoners belonging to the District; keeping in view in the event of such reduction, how the Expense of erecting and maintaining the Prisons considered necessary, ought to be defrayed.

IN submitting to your lordship the following Report, I would feel that I was wanting in the discharge of my duty, if I did not avail myself of this opportunity of submitting to the consideration of your lordship, and of His Majesty's government, the necessity that exists for making a total alteration in the system and management of the prison of the county of Stirling; and in order to prove the anxiety which I have for some time felt upon this subject, I would beg leave to refer to the minutes of several of the general county meetings to show, that I had brought this matter many years ago, and repeatedly since, under the particular notice of the heritors of the county, and of the magistrates of the burgh, and got a committee at length appointed for the purpose of making arrangements for the repair of the prison, and making such other alterations as might add as much to its security, as to the accommodation and comfort of its unfortunate inmates. But in consequence of an unlucky difference of opinion which had existed between the heritors of the county, and the magistrates of the burgh, upon the grounds of the amount of proportion, 900*l.* which the heritors of the county had exacted of the burgh to pay on the one hand, and the plea of resistance to this advance which had been set forth by the burgh on the other, founded not only on the inability of the burgh to pay the above sum, but also that in consideration of the burgh having already been at the sole expense of the erecting of the present prison and court-house, to the extent of about 4,000*l.* the magistrates stated, that they did not feel themselves warranted even if they had had the funds, to have paid the sum demanded by the county committee, of 900*l.* far less could they do so, when they had no fund at all.

In this manner, and owing to the above circumstances, the prison of the county of Stirling has been totally, and I hesitate not to say, shamefully neglected, and is now in the very imperfect and insecure state represented in the above Return; nor in my humble opinion, would it be prudent or proper to attempt to make any alteration upon the present prison, nor to lay out much money in the repair of it, as from the site of it, it would be quite impossible to make it perfect, or at all such a prison as either the county of Stirling, far less the circuit district, comprehending also the counties of Kinross and Clackmanan, ought to have. In consequence of the conviction which I have felt on this point, I had directed my attention to the great improvement which it would afford to the counties of Stirling, Kinross and Clackmanan circuit district, were they to unite in erecting one large district prison, upon the footing of those erected in England, and on a similar principle. With this object in view, I have made it my duty, within these few weeks, to investigate this matter minutely, from a desire of ascertaining, not only the practicability of adopting the English system of district prisons, in this district of Scotland, but from the incalculable advantage which I am satisfied is to be derived from it, to the country at large, and to this district in particular. The result of this inquiry, as I had anticipated, has been, that I feel neither doubt nor difficulty in recommending with deference, as the only and the best remedy for supplying the great inconvenience (for want of proper prisons) to which the three counties of Stirling, Kinross and Clackmanan, are at present subjected, that these counties should join in the expense of building a commodious district prison, sufficient for the accommodation and exigencies of all these counties. That this prison ought to be built in the town of Stirling. That for this purpose, there are two sites, either of which might answer the intended purpose; the one of these sites is recommended by the late provost of the town of Stirling, and the other is recommended by the present provost. The first mentioned of these sites is the space of ground immediately above the present jail and court-house; and embraces an area (if the old houses there were all removed) of 120 to 130 feet square; the other site is higher up in the same street, and embraces not only a much larger space of ground, but is better, and in my humble opinion, better calculated in every respect, as a site for the erection of a district prison; and I have the further gratification, in having ascertained from the sentiments expressed by such of the principal heritors of these counties, as I have had an opportunity of communicating with, that they are all favourable to the idea of the intended erection of one prison (as a district prison) for the accommodation of these counties; not only is this so, but I find, on conversing on this subject with my friend Mr. Moncrieff, the sheriff of Kinross and Clackmanan, as well as with the Members of Parliament of the county and burgh of Stirling, that they all entirely coincide in opinion with me, upon the proposed arrangement and adoption of a general district prison for these counties.

On the subject of the reception and maintenance of the prisoners that may be sent to the district prison in Stirling, from the counties of Kinross and Clackmanan, as well as on other points connected with the expense of erecting and maintaining this district prison, it does not appear to me that much difficulty need be apprehended from these contingent circumstances; as in the view of the adoption of the plan and principle of a district prison, the heritors of these counties, and the magistrates of the burghs of the district, might arrange such regulations as would be satisfactory to themselves, previous to the passing of any Act of Parliament, or they might reserve in the Act, a power to make such byelaws for the regulation and management of this prison, as might enable them at all times to preserve unanimity of sentiment, and a perfectly good understanding amongst themselves, as to the fiscal matters of the proportion of the expense of maintenance for the prisoners, which should be payable by each county; as also the proportion of the expense which ought to be contributed for the purchase of the site, as well as the expense of the erection, and keeping in repair, of the prison, which will fall to be defrayed by each.

With a hope, that if in the submitting of these observations, I have entered too much into detail, your lordship will attribute it entirely to the anxiety which I feel on the one hand, and the urgent necessity which circumstances dictate on the other, for something efficient being done with respect to the state of the prison of Stirling, without farther delay.

R. Macdonald,
6th April 1826. Sheriff Depute of Stirling-shire.

29.—SUTHERLAND-SHIRE.

Sutherland-shire.

1. Name of each prison and where situated?—Only one prison in the county; "Dornoch jail," in the burgh of Dornoch.

2. Whether common jail, or house of correction?—A common jail.

3. Number of prisoners it is capable of containing?—Twenty-four; the jail containing two vaulted apartments or rooms for criminals, and two rooms for other prisoners. In each apartment are two beds, which can contain each three persons, thus containing twenty-four in whole.

4. Number of classes for criminals, exclusive of debtors; and whether they can be increased?—Two vaulted apartments for criminals, each containing two beds, no other classification, and they cannot be increased.

5. Number of apartments, distinguishing those of criminals from those of other prisoners?—Two apartments for criminals, as mentioned in answer third and fourth; same for other prisoners.

6. Number of prisoners committed in the year 1825; distinguishing criminals from debtors, and males from females?—Committed in 1825:—

For assault - - males	2	Total males, 5	
For illicit distilling, d° -	3		
For d° d° females - - -		2	Total 7
For debt - - - - - - - -			4
Total committed in the year -			11

7. The greatest number of prisoners confined during the year 1825, at any one time?—Five.

8. Number of persons employed as keepers and under-keepers?—There are two keepers who keep the keys weekly by turns.

9. Whether any airing ground?—There are no airing grounds.

10. Present state of repair?—The prison rooms are at present in a pretty good state of repair.

11. By whom erected, and maintained?—By the Marquis and Marchioness of Stafford.

12. By whom regulated; if by printed regulations?—Regulated by the magistrates of the burgh; there are no printed regulations.

13. Any additional observations, which may be deemed important?—In answer to this suggestion, it may be observed:—

1mo. That the upper rooms being large and airy, would admit of being divided at a small expense.

2do. That under the same roof with the jail, and entering by the same outer door, and from the same common stair, being in fact a part of the same building, there are two good apartments; the one used as a record room, and the other fitted up and used as the sheriff and burgh court room, and for the public meetings of the county; and were these or either of them added to what is now used as the jail, it would, of course, increase its accommodation and comfort, and perhaps in some measure its security also, by separation from apartments, and otherwise than as a prison.

Dornoch, 4th April 1826 *W. G. Gordon*, Sh. Sub.

30.—WIGTOWN-SHIRE.

1.	2.	3.	4.	5.			6.						
Names of Prisons, and where situated.	Whether Common Jail, or House of Correction.	Number of Prisoners it is capable of containing.	Number of Classes for Criminals, exclusive of Debtors; and whether they can be increased.	Number of Apartments, distinguishing those for Criminals from those for other Prisoners.			Number of Prisoners committed in the Year 1825; distinguishing Criminals from Debtors, and Males from Females.						
							CRIMINALS			OTHER PRISONERS			
				Criminals.	Other Prisoners.	Total.	Male.	Female.	Total.	Male.	Female.	Total,	Total of Prisoners, both Criminal and others.
1.—Wigtown jail, situated in Wigtown.	Common jail	It contains two prisons for debtors, each 15 feet by 10; and three cells for criminals, each 9 feet square. There is also another prison, usually appropriated for female prisoners, 9 feet square. No return made of number they can contain.	No classes	3	3	6	8	3	11	6	1	7	18
2.—Stranraer jail, situated in burgh of Stranraer, and usually called Stranraer castle.	Common jail	Fourteen prisoners.	No classes	3	2	5	17	3	20	4	–	4	24
3.—Whithorn jail, situated in the burgh of Whithorn.	Common jail	Contains two prisons for criminals and two for other prisoners; but magistrates have made no return as to number of prisoners they can contain.	No classes	2	2	4	Magistrates have made no return to the requisition sent them; but in a former return from them made under a requisition from the Lord Advocate, they stated the yearly average number of prisoners for last three years, to be one criminal and two debtors; in all, three.						

REMARKS on the State of Prisons in said County, not comprehended under any of the preceding Columns.

1.—The discipline of all the jails is too loose; there is not sufficient employment in any one of them to give constant occupation to the jailer. The salaries of the jailers are not sufficient of themselves to support a family; of course the jailers engage in other employments. Their attendance on the prison is not regular or constant. In their absence their wives or children act as jailers, and infringements of the prison regulations take place, which it is difficult in these circumstances to detect or check; generally speaking, there is much slovenliness and disregard of cleanliness in the management of the jails. There is no regular system of visitation in any of them, nor is there any medical person appointed to attend the prisoners when sick. No provision is made for employing the prisoners in any way, nor for classifying them, nor for their religious or moral instruction. A prisoner has been known to be confined for ten months, without having had an opportunity of joining in any social religious worship.

2.—Stranraer jail is the best in the county. Both in Stranraer and Whithorn the jailer lives at a distance from the jail; so that in the event of any of the prisoners being taken ill, or of a fire, or an attempt to escape during night, the prisoners have no means of communicating with him, or others without.

3.—One great improvement would be a distinct enactment, specifying the rights and duties of the magistrates and jailers respecting their jails. It has sometimes happened, that a prisoner when sick has applied to the jailer or magistrates, and if imprisoned at the instance of the procurator fiscal, they have referred it to that officer, to provide medical assistance, as conceiving it to be his duty, or that of the committing magistrate. Sometimes too a magistrate has refused to receive a prisoner committed by a justice, unless the justice would provide for his maintenance. In some cases they refuse to allow young children to enter the jail when the parents are committed; in others they allow them to enter, but seldom or ever make any addition to the aliment of the parents on account of the children, as not conceiving themselves bound to support the children. The aliment too should be put on another footing; it depends at present on the commissioners of supply before trial, and on the burgh after conviction. It is natural that they should wish to make it as low as possible. In Wigtown-shire it used to be sixpence a day for criminals; but for several years past it has been only

30.—WIGTOWNSHIRE.

7. The greatest Number of Prisoners confined during the Year 1825, at any one time.	8. Number of Persons employed as Keepers and Under-keepers.	9. Whether any Airing Ground.	10. Present State of Repair.	11. By whom Erected, and Maintained.	12. By whom Regulated; and if by printed Regulations.	REMARKS.
six N. B.—Four prisoners; — for breaking the Sabbath, for one month, and two debtors for a short time. No other time more than one criminal.	None but jailer.	none	State of repair not good, and prisons not considered secure.	By the burgh of Wigtown.	By magistrates and council; but no printed regulations.	
six	Jailer and an under-keeper.	none	Good repair	Erected partly by the county and parly by the burgh, and maintained by the burgh.	By magistrates and council; but no printed regulations.	The jailer's house is not at the prison, and the burgh has no means of purchasing a house at the prison. The roof of the castle is flat, and so constructed, as to afford a very good place for airing prisoners; but nothing having been stated by the court of session in the Act, declaring this a legal prison in 1823, the magistrates have not considered themselves at liberty to allow prisoners the freedom of going there.
In the said former return, the magistrates stated the greatest number of prisoners at one time, during last three years, to have been two criminals and two other prisoners; in all, four.	None but jailer.	none	Stated to be in good repair.	Partly from funds of burgh and partly by public subscription in 1814.	By magistrates and council; but no printed regulations.	

only four-pence. The modifying of aliment in such cases should be vested, perhaps in the heads of the courts at Edinburgh; at all events, if continued in those who pay it, some speedy and cheap mode of reviewing their judgment should be provided; the senior magistrate in each burgh should be authorized to order aliment from the burgh funds, when they are liable for it, without controul from the rest of the council.

4.—Wigtown jail has long been considered as requiring to be repaired or rebuilt, and the burgh has always been willing to contribute a share of the expense, on the county assisting. In 1819 Mr. Wallace, the architect of Ayr jails, inspected Wigtown jail, and gave a plan of some alterations and additions to it, which, if carried into effect, would render it more commodious and secure. The burgh, with a view to that or some other plan being carried into effect, has for two or three years back been collecting granite stones, and there are now many thousand feet of them ready for the building whenever a plan can be agreed upon, and the expense provided for.

5.—The arrangement of having one jail for the county, would be a good one; and if such an arrangement were likely to be carried into effect, it might be adviseable in the meantime to delay the rebuilding or repairing of the jail at Wigtown. Though Wigtown is not in the centre of the county, yet as it is the county town, and as Stranraer and Whithorn have at present both new jails, and none of them suited for a general county jail; and as a new jail is needed for Wigtown at any rate, it would seem most expedient to have the county jail there. By this means a jail on a proper scale, and containing all the necessary means for attending to the physical and moral and religious necessities of the prisoners, might be procured. The jails of Whithorn and Stranraer might be kept up for the use of the police of these burghs and the neighbourhood, to the effect of securing offenders when only imprisoned by the magistrates for small offences within burgh for a short time, or when imprisoned previous to committal. But all prisoners after committal for trial, or when imprisoned *in pœnam* after trial, to be transmitted to the county jail. A county jail would suit better than one for the circuit; because Wigtown-shire belongs to the Ayr circuit, and Ayr is at too great a distance, and every way inconvenient for Wigtown-shire, there being no towns, and no conveyances between the counties, and little or no intercourse.

Wigtown, 7th April 1826.

Will. H. Connell, Sheriff Substitute of Wigtown-shire.

Appendix, N° 3.

ABSTRACT OF INCOME AND EXPENDITURE OF ROYAL BURGHS OF SCOTLAND, for the Year 1824–5.

1.—ABERDEEN.

ABERDEEN.

IT is very difficult, from the accounts given in, to say what is the Revenue of this Burgh. It seems to be divided into two parts:

1. The Revenue under the management of the Town's Trustees.
2. The Revenue arising from the Harbour of Aberdeen, which seems to be kept separately.

	£.	s.	d.	£.	s.	d.
1. The fixed Revenue in the first account, seems to amount to - - -				11,119	2	7
The fixed Expenditure is—						
Public burdens - - - - - - - - -	£. 330	9	4			
Annuities - - - - - - - - -	219	5	–			
Expenses of management - - - - - -	280	–	–			
Dividends to creditors - - - - - -	9,815	4	7			
				10,644	18	11
Balance in favour of Burgh - - - - - £.				474	3	8

2. The Revenue from the second source, seems to be 11,706*l.* 0*s.* 5*d.* for the year ending Michaelmas 1825, and

The Gross Expenditure, consisting of Repairs, Improvements, New Erections, &c. amounts, within the same period, to 8,210*l.* 11*s.* 4*d.* *videlicet,*

	£.	s.	d.
Gross Revenue - - - - - - - -	£. 11,706	–	5
Gross Expenditure - - - - - -	8,210	11	4
Balance in favour of Harbour - -	£. 3,495	9	1

Note.—By an Act passed last Session of Parliament to alter and amend the former Acts, power is given to the town and county to raise 13,000*l.* by assessments from both equally, for the purpose of building a new jail. And by these Acts, power is given to the magistrates of Aberdeen to levy rogue-money from the town, to the extent of *four-pence* per pound sterling of the real rent of burgh property, for the expenses of apprehending criminals, rogues and vagabonds, and keeping them in safe custody after being apprehended, and for no other purpose whatever.

Dumfries-shire.

2.—ANNAN.

ANNAN.

	£.	s.	d.	£.	s.	d.
Revenue - - - - - - - - - - - -				641	8	4
Debts:						
Interest of money - - - - - - - -	£. 140	14	3			
Schoolmaster's salary, rent of house, &c. - - -	205	18	–			
Supply and duty per clerk - - - - - -	8	16	3			
Lighting streets - - - - - - - -	52	12	3			
Fees to burgh officers, billet master, and jailer - -	48	11	6			
Magistrates and collectors of cess fees - - -	19	12	8			
				476	4	11
Balance in favour of Burgh - - - - - £.				165	3	5

N.B.—There are many miscellaneous expenditures annually, which cannot well be classed; such as cleaning streets, repairs, &c.

Fife-shire.

3.—ANSTRUTHER EASTER.

ANSTRUTHER EASTER.

The Revenue of this Burgh arises from, 1. Their Dues and Customs; 2. Street Dung; 3. Rent of Wood Yard; 4. Building Ground; 5. Fish Yard; 6. Feu Duties; and amounts to 91*l.* 9*s.*

Debts and Obligations:

Salary to Town Clerk, 5*l.*

D° to Schoolmaster.

Impossible from the return to make out the annual sum of debt; but it would appear, that in the accounts ending the 14th September 1825, there was the sum of 13/6 carried to the debit of the treasurer.

Fife-shire.

4.—ANSTRUTHER WESTER.

ANSTRUTHER WESTER.

	£.	s.	d.	£.	s.	d.
Revenue in 1825 - - - - - - - - - - -				72	1	11
Debts and obligations:—						
Salary to town officer - - - - - -	£. 1	5	–			
D° for town clerk - - - - - -	–	10	–			
Schoolmaster - - - - - - - -	2	19	–			
Town clerk - - - - - - - -	4	4	–			
Minister's stipend - - - - - - -	1	17	6			
Interest of mortification - - - - - -	9	–	–			
Exchequer dues - - - - - - -	–	15	5½			
Commissioner's dues going to convention - - -	2	2	–			
				22	12	11½
Balance due to Burgh - - - - - £.				49	8	11½

There are, however, various casual expenses, such as repairs, &c. which are anuual.

Forfar-shire.

5.—ARBROATH.

ARBROATH.

Arising from Rents, Feu Duties, Common Good, Street Dung, Burgess Compositions, Town's Duty Rate, &c.

	£.	s.	d.	£.	s.	d.
Amount - - - - - - - - - - - -				2,991	13	11 1/12
Debts:						
Interest of money - - - - - - -	£. 611	14	2 2/12			
Annual salaries - - - - - - -	338	13	4			
Annuities - - - - - - - -	166	8	–			
				1,116	15	6 2/12
				1,874	18	4 11/12

There are, however, many payments made annually for repairs of church, harbour, &c. &c.
The Revenue for 1825 exceeded the Expenditure by 694*l.* 9*s.* 7 11/12*d.*

Ayr-shire.

6.—AYR.

AYR.

				£.	s.	d.
Income				2,030	11	7 $\frac{10}{12}$
Debts, &c.						
Minister's stipend	£. 200	11	1			
Salaries of office bearers	328	4	–			
Annual dues and burdens	16	16	8 $\frac{3}{12}$			
Interest of money borrowed	405	–	–			
Interest of mortifications	30	–	–			
Ordinary disbursements	778	7	11 $\frac{6}{12}$			
				1,759	2	9 $\frac{1}{12}$
Balance in favour of Town £.				271	8	10 $\frac{9}{12}$

Banff-shire.

7.—BANFF.

BANFF.

	£.	s.	d.
Gross Revenue	1,035	12	11 $\frac{3}{4}$
Gross Expenditure	1,032	15	–
	2	17	11 $\frac{3}{4}$

The permanent Ordinary Expenditure seems to be as follows:—

	£.	s.	d.
Minister's stipend	£.6	10	–
Public burdens, feu-duties, &c.	15	6	3
Salaries to schoolmasters, clerk, &c.	139	19	8
Insurance	11	14	5
Interest of debt	203	13	2 $\frac{1}{2}$
To minister, in lieu of manse	2	8	–
Chamberlain's salary	17	7	–
Land-tax and missive dues	45	18	9
Salaries to officers, &c.	29	5	–
Interest of debt	221	7	9
Lighting streets	59	4	11
Collector's salary	35	4	1
	£. 787	19	– $\frac{1}{2}$

The rest of the Expenditure is made up of miscellaneous payments, repairs, wills, petty disbursements, and subscriptions.

Forfar-shire.

8.—BRECHIN.

BRECHIN.

	£.	s.	d.
Gross Revenue	757	15	10 $\frac{6}{12}$
Gross Expenditure	763	6	2 $\frac{2}{12}$
Deficit	5	10	3 $\frac{9}{12}$

N. B.—The return gives no particulars of the above.

Fife-shire.

9.—BURNTISLAND.

BURNTISLAND.

	£.	s.	d.
Revenue - - - - - - - - - - - - - -	402	13	6
Fixed expenditure of Burgh, in stipend to minister, schoolmaster's salary, officer's salary, interest of debts, &c. - - - - - - - -	259	5	9½
Balance in favour of Burgh - - - - - - £.	143	7	8½

Argyle-shire.

10.—CAMPBELLTOWN.

CAMPBELLTOWN.

	£.	s.	d.	£.	s.	d.
Revenue - - - - - - - - - - - - - -				429	12	2
Permanent Expenditure:						
Town clerk's salary, &c. - - - - - - -	80	1	9			
School salaries - - - - - - - -	45	–	–			
Rents and taxes - - - - - - - -	20	15	1			
Lamps - - - - - - - - -	33	13	10			
Harbour light, &c. - - - - - - - -	7	1	2			
Cleaning streets - - - - - - - -	10	17	8			
Interest of debt and annuity - - - - - -	47	–	–			
				244	18	6
Balance in favour of the Burgh - - - - £.				184	13	8

Fife-shire.

11.—CRAIL.

CRAIL.

	£.	s.	d.	£.	s.	d.
Revenue - - - - - - - - - - - - - -				218	19	–½
Debts, &c.:						
Town officer's salary - - - - - - - -	2	18	–			
Commissioner's fee at convention - - - - -	3	–	–			
Minister's stipend - - - - - - - -	2	5	–			
Schoolmaster - - - - - - - - -	4	–	–			
Town clerk's salary - - - - - - - -	7	–	–			
Treasurer's salary - - - - - - - -	8	–	–			
Officer's clothing - - - - - - - -	8	4	3			
				33	4	8
£.				184	14	4½

N.B.—The Expenditure for 1825, however, was 258*l.* 13*s.* 5*d.* A new school-house was built.

Perth-shire.

12.—CULROSS.

CULROSS.

	£.	s.	d.	£.	s.	d.
Revenue				65	16	2
Expenditure:						
Minister's stipend	£. 8	11	–			
Schoolmaster's salary	6	9	–			
Town officer and jailer's salaries	3	7	6			
Cess	5	15	6			
Interest of debt	6	–	–			
Member to convention	1	11	–			
				31	14	–
Balance in favour of the Burgh £.				34	2	2

Banff-shire.

13.—CULLEN.

CULLEN.

	£.	s.	d.
Revenue	68	12	1 7/12
Permanent Annual Expenditure:			
Stipend, schoolmaster's salary, &c.	31	19	11 4/12
Balance in favour of the Burgh £.	36	12	2 3/12

Fife-shire.

CUPAR.

CUPAR.

	£.	s.	d.	£.	s.	d.
Revenue				2,062	–	–
Permanent Expenditure:						
Minister's stipend, schoolmaster's salary, &c.	£. 242	16	9			
Interest of debt	283	–	–			
	525	16	9			
Public works; miscellaneous payments; aliment of prisoners; charities; annuities; management, &c.; exclusive of arrears	735	16	7			
				1,261	13	4
Balance £.				800	6	8

Ross-shire.

14.—DINGWALL.

DINGWALL.

	£.	s.	d.	£.	s.	d.
Revenue - - - - - - - - - - - - -				147	18	6 ½
Permanent Expenditure:						
Minister's stipend, schoolmaster's salary, &c. - - -	£. 61	9	1 ½			
Interest of debt - - - - - - - - -	47	10	–			
				108	19	1 ½
Balance in favour of Burgh - - - - - - £.				38	19	5

Sutherland-shire.

15.—DORNOCK.

DORNOCK.

	£.	s.	d.
Revenue - - - - - - - - - -	5	15	–
Expenditure:			
Expenses on paying cess of the burgh - - - -	£. 5	15	–

Dumbartonshire.

16.—DUMBARTON.

DUMBARTON.

	£.	s.	d.
Revenue - - - - - - - - - - - - - -	1,100	9	4 $\frac{5}{12}$
Ordinary Expenses:			
Ministers stipends; schoolmaster's salaries; town officers dº - -	801	9	1 ¼
£.	299	–	3 $\frac{4}{12}$

In the return, the casual expenses are stated at 328 *l.* 16 *s.* 1 *d.* leaving a balance against the burgh, but there is included in the latter, part of the expense of a new jail.

Dumfries-shire.

17.—DUMFRIES.

DUMFRIES.

				£.	s.	d.
Revenue				2,124	7	3 $\frac{11}{12}$
Fixed Expenditure:						
Public burdens	£.58	14	3			
Salaries	391	18	11			
Interest of debt	1,690	3	–			
Repairs	say, 100	–	–			
				2,240	16	2
Balance against the Burgh £.				126	8	10

N. B.—Included in the above is the interest of certain personal debts said to be now paid off, amounting to 1,205*l.* 11*s.* 7*d.* which, being deducted from the expenditure, would leave a balance in favour of the burgh; but on the other hand, there falls to be added the interest of 20,000*l.* borrowed at 3½ per cent, and secured as a loan to Whit^y 1830.

Forfar-shire.

18.—DUNDEE.

DUNDEE.

				£.	s.	d.
Ordinary Revenue				3,966	10	3 $\frac{5}{12}$
Ordinary Expenditure:						
Minister's stipends	£.485	19	9 $\frac{3}{4}$			
Salaries to teachers, &c.	353	17	11 $\frac{8}{12}$			
Cess, feu duty, &c.	45	8	7 $\frac{2}{12}$			
Payment for convention dues, &c.	131	13	7			
Salaries to town servants	603	9	9			
Accounts to tradesmen	375	10	5			
Interest on debts	312	9	11 $\frac{8}{12}$			
Annuities	26	10	–			
Incidental expenses	261	8	7			
				2,596	8	8 $\frac{9}{12}$
£.				1,370	1	4 $\frac{8}{12}$

Besides the ordinary expenditure as above, there are charges for law expenses, which are not averaged, and therefore it is impossible to state what these may be.

Fife-shire.

19.—DUNFERMLINE.

DUNFERMLINE.

	£.	s.	d.
Income	1,425	18	4
Expenditure	1,353	1	1
£.	72	17	3

N. B.—No particulars of the above in the return.

Fife-shire.

20.—DYSART.

DYSART.

				£.	s.	d.
Revenue				651	17	2½
Ordinary Expenditure:						
Stipends	£.39	14	7			
Schoolmaster	31	12	2			
Town clerk's salary	5	–	–			
Town officers d°, &c.	22	8	6			
Exchequer dues, &c.	6	3	6			
Feu duty	1	18	2			
Interest of debt	41	7	6			
Cleaning streets	54	16	4			
Lighting streets	31	15	4			
				224	16	1
Balance in favour of Burgh £.				427	1	1½

There are, however, various annual expenses in repairs of harbour, repairs of town's property, &c. &c. which, in the accounts for the year ending Michaelmas 1825, were considerable, but of which no average is stated. The Revenue, however, seems to exceed in a small degree the Expenditure.

Edinburgh-shire.

21.—EDINBURGH.

EDINBURGH.

				£.	s.	d.
Gross Revenue				52,981	4	6½
Ordinary fixed Expenditure:						
Ministers stipends and expenses connected with the church establishment	£. 10,267	3	7			
Salaries to professors	1,779	12	3			
Schools	432	11	8			
Salary to provost and others connected with the town	4,495	8	10			
Pensions	259	18	9			
Public burdens	3,229	17	5			
Interest of borrowed money and annuities	12,326	–	4			
				32,790	12	10
Balance in favour of Burgh £.				20,190	11	8½

But from this there must be deducted repairs, building churches, improvements, charitable purposes, punishing criminals, entertainments, law expenses, &c. The surplus, with return, is stated at only 907*l.* 18*s.* 0$\frac{1}{12}$*d.*

Elgin-shire.

22.—ELGIN.

ELGIN.

				£.	s.	d.
Fixed Revenue				490	17	1
Ordinary Expenditure:						
Salaries	£. 183	1	–			
Officers clothes	29	4	6			
Interest of mortification	13	8	9			
D°	1	2	6			
Ministers stipend	–	10	5½			
Convention dues	5	3	4			
Feu duties	4	6	1			
Insurance	1	13	3			
				238	9	11½
Balance in favour of Burgh £.				252	7	1½

There are various small incidental expenses, which cannot be classed, but in which there seems to be a surplus under 50*l.* per annum.

Forfar-shire.

FORFAR.

23.—FORFAR.

				£.	s.	d.
Ordinary fixed Revenue				1,315	2	–
Ordinary fixed Expenditure:						
Public burdens	£. 43	13	4			
Town officers salaries	83	18	–			
Teachers d°, &c.	225	9	6			
Lighting streets	56	9	9			
				409	10	7
Balance in favour of the Burgh - - - - - £.				905	11	5

There are various occasional annual payments, which cannot be classed. There are also various casual articles of revenue, but of which no average is given, such as sales of wood, burgess tickets, &c. On the accounts, ending Michaelmas 1825, there is a balance stated in favour of the burgh, of 132*l.* 15*s.* 1*d.*

Elgin-shire.

FORRES.

24.—FORRES.

				£.	s.	d.
Ordinary Revenue				500	9	2
Expenditure:						
Salaries	£. 166	5	–			
Ministers stipends, &c.	284	17	6			
Expenses of management and collection	26	16	3			
				477	18	9
Balance in favour of Burgh - - - - - £.				22	10	5

The return is very general, and along with the second item of expenses is included allowances for improvements on land belonging to the burgh, of which no separate account is given.

Ross-shire.

FORTROSE.

25.—FORTROSE.

				£.	s.	d.
Fixed Revenue, Ordinary				100	4	$1\frac{1}{3}$
Expenditure:						
Salary to town clerk	£. 5	11	2			
D° - burgh officers	4	–	–			
Land tax	12	16	–			
				22	7	2
Balance in favour of Burgh - - - - - £.				77	12	$11\frac{1}{3}$

The whole annual expenditure of the burgh seems to amount to about 30*l.*; but there are large sums in arrear, no less than 539*l.* 2*s.* 3½*d.*

Lanark-shire.

26.—GLASGOW.

GLASGOW.

	£.	s.	d.
Ordinary Revenue	15,700	10	8
Expenditure, including every thing	15,164	8	2
Balance in favour of Burgh - - - - £.	536	2	6

Haddington-shire.

27.—HADDINGTON.

HADDINGTON.

	£.	s.	d.	£.	s.	d.
Ordinary Revenue				1,515	3	1
Ordinary fixed Expenditure:						
Minister's stipends, schoolmaster's salary, and assessments for poor	£. 198	11	7			
Police, including lighting streets and paving	210	8	10			
Salaries to town clerk	44	2	–			
Interest of debt	198	6	2			
				651	8	7
Balance in favour of Burgh - - - - £.				863	14	6

This balance would be reduced by repairs to jail, addition to school-house, &c.

Argyle-shire.

28.—INVERARY.

INVERARY.

	£.	s.	d.
Ordinary Revenue	124	–	–
Ordinary Expenditure:			
Salaries to teachers; ditto to town-clerk, treasurer, jailer, &c.; and expenses of circuit court, police establishment, &c.	122	12	2
Balance in favour of Burgh - - - - - £.	1	7	10

Kincardine-shire.

29.—INVERBERVIE.

INVERBERVIE.

	£.	s.	d.
Ordinary Revenue - - - - - - - - - - -	132	14	4
Ordinary fixed Expenditure:			
Minister's stipend, salary to officer, billet master, cowherd, &c. - -	33	1	7
Balance in favour of Burgh - - - - - £.	99	12	9

Fifes-hire.

30.—INVERKEITHING.

INVERKEITHING.

	£.	s.	d.
Ordinary Revenue - - - - - - - - - - - -	522	15	6
Fixed Expenditure - - - - - - - - - - -	199	–	11½
Balance of - - - - - - - - - £. for Casual Expenditure.	323	14	6½

Inverness-shire

31.—INVERNESS.

INVERNESS.

	£.	s.	d.	£.	s.	d.
Ordinary Revenue - - - - - - - - - - -				1,950	19	4
Ordinary Expenditure:						
Stipends - - - - - - - - -	£. 73	2	9			
Schools, &c. - - - - - - - -	130	–	–			
Annual duties and taxes - - - - - -	45	8	4			
Land-tax - - - - - - - - -	21	12	3			
Lighting streets - - - - - - -	168	18	1			
Cleaning streets - - - - - - -	169	4	–			
Expenses of jail - - - - - - -	105	9	4			
Interest of debt - - - - - - -	200	–	–			
				913	14	9
Balance in favour of Burgh - - - - - £.				1,037	4	7

In the return, it is stated, that a considerable expense was incurred in the year 1825, in improvements, law expenses, &c. making an excess of expenditure beyond revenue, of the sum of 649*l.* 9*s.* 2*d.* - - - (649*l.* 9*s.* 2*d.*)

Aberdeen-shire.

32.—INVERURY.

INVERURY.

	£.	s.	d.
Ordinary Revenue - - - - - - - - - - - - -	110	9	6
Ordinary fixed Expenditure - - - - - - - - - -	27	14	4½
Leaving for Casual Expenditure - - - - - £.	82	15	1½

Ayr-shire.

33.—IRVINE.

IRVINE.

				£.	s.	d.
Ordinary Revenue - - - - - - - - - - - - - -				1,418	11	1
Ordinary fixed Expenditure:						
Ministers stipends and schoolmasters salaries - -	£. 141	3	5			
Salaries to officers, &c. - - - - - - -	137	18	8			
Lighting streets - - - - - - - - -	55	12	3			
Taxes and assessments for poor - - - - - -	33	18	4			
				368	12	8
Balance in favour of Burgh - - - - £.				1,049	19	5

Roxburgh-shire

34.—JEDBURGH.

JEDBURGH.

				£.	s.	d.
Ordinary Revenue - - - - - - - - - - - - -				510	11	9
Ordinary fixed Expenditure:						
Salaries to officers, minister's stipend, schoolmaster's salary, town clerk, and treasurer - - - - - -	£. 84	–	9			
Public burdens - - - - - - - - - -	94	9	4			
Cleaning and lighting streets - - - - -	40	8	10			
Interest of debt and feu duty - - - - - -	180	4	10			
				409	3	9
Balance in favour of the Burgh - - - - - - £.				101	8	–

Fife-shire.

35.—KILRENNY.

KILRENNY.

	£.	s.	d.
Ordinary Revenue - - - - - - - - - - -	12	12	6
Ordinary Expenditure - - - - - - - - - -	8	1	6
Balance in favour of Burgh - - - - - £.	4	11	–

The amount of the casual revenue for the year 1825, is stated at 80*l.* 17*s.* 7*d.*; but of that sum there is 73*l.* as the purchase of some building ground.

Fife-shire.

36.—KINGHORN.

KINGHORN.

	£.	s.	d.
Ordinary Revenue - - - - - - - - - - -	746	8	3 $\frac{9}{12}$
Permanent Expenditure - - - - - - - - - -	480	7	5
Leaving for Casual Expenditure - - - - £.	266	–	9 $\frac{3}{12}$

Aberdeen-shire.

37.—KINTORE.

KINTORE.

Revenue, in whole - - - - - - - - - - £. 1. 13. 4.

distributed among the poor of the Burgh.

Stewartry of Kirkcudbright.

38.—KIRKCUDBRIGHT.

KIRKCUDBRIGHT.

				£.	s.	d.
Ordinary Revenue				813	9	–
Ordinary Expenditure:						
Salaries to teachers, town clerk, officers, interest of borrowed money, &c.	£.445	7	–			
Interest on mortifications	46	2	6			
Lighting streets	23	15	6			
				515	5	–
Balance in favour of Burgh - - - - - £.				298	4	–

There are however casual sources of expenditure which would reduce this balance.

Orkney.

39.—KIRKWALL.

KIRKWALL.

				£.	s.	d.
Ordinary Revenue				132	6	6
Permanent Annual Expenditure:						
Minister's stipend and schoolmaster's salary	£.15	7	–			
Salary to town clerk and collector of cess	23	6	8			
Town officer, jailer, piper, &c.	26	10	6			
Shepherd	14	–	–			
Cess	23	6	8			
Missive and eque dues	5	4	4½			
				117	15	2½
Balance in favour of Burgh - - - - - £.				14	11	3½
Against that Balance must be placed Expense of lighting streets, being				9	15	10
				4	16	5½

Lanark-shire.

40.—LANARK.

LANARK.

	£.	s.	d.
Ordinary Revenue	696	15	7
Fixed or Ordinary Expenditure of the Burgh	429	5	8¾
Leaving a Balance of - - - - - - - £.	267	9	10¼

to answer the casual expenditure, which in the year 1825, appears to have amounted to 813*l.* 16*s.* 11*d.*

Note.—In the account of Casual Expenditure, as returned by this burgh, some articles are included which rather fall under the head of Fixed Expenditure.

LAUDER.

Berwick-shire.

41.—LAUDER.

				£.	s.	d.
Ordinary Revenue - - - - - - - - - - - -				89	1	9
Ordinary permanent Expenditure:						
Minister and schoolmaster - - - - - - -	£. 8	12	9½			
Officers' salary - - - - - - - - -	9	–	–			
Interest of debt - - - - - - - -	104	6	5½			
Keeper of town clock - - - - - -	3	3	–			
Overseer of roads - - - - - - - -	2	2	–			
Eque, cess and missive dues - - - - - -	5	12	5			
				132	16	8
Balance against the Burgh - - - - - - £.				43	14	11

LINLITHGOW.

Linlithgow-shire, or West Lothian.

42.—LINLITHGOW.

				£.	s.	d.
Ordinary Revenue - - - - - - - - - - - -				674	1	6 $\frac{3}{12}$
Fixed Expenditure:						
Taxes and salaries - - - - - - -	£. 150	4	6			
Interest of debts - - - - - - -	361	12	7 $\frac{6}{12}$			
Lighting streets - - - - - - -	23	13	8			
				545	10	9 $\frac{6}{12}$
Balance of for Casual Expenditure. - - - - - - - - £.				128	10	8 $\frac{9}{12}$

LOCHMABEN.

Dumfries-shire.

43.—LOCHMABEN.

The property of this Burgh was sequestrated for behoof of creditors, in the year 1824.

The Revenue of the Burgh at that time was stated to be - - - £. 117. 14. 9½.

But there is no statement of the debts, and there does not seem to have been any return made by the judicial factor.

Forfar-shire.

44.—MONTROSE.

MONTROSE.

				£.	s.	d.
Revenue				2,315	4	2
Ordinary fixed Expenditure:						
Salaries	£. 302	3	10			
Annuities	153	6	–			
Interest of debts	809	12	9			
Cleaning streets	203	4	8			
Shore-master's office	41	16	10			
Missive dues	27	10	–			
Stipend	38	7	1			
				1,575	18	2
Balance in favour of Burgh £.				739	6	–

There will fall to be added repairs on property of town, harbour, &c. &c. as to which no average is given.

Nairn-shire.

45.—NAIRN.

NAIRN.

	£.	s.	d.
Revenue	155	17	3
Expenditure	230	19	–½
Balance against Burgh £.	75	1	9½

No detailed state given as to this Burgh.

Stewartry of Kirkcudbright.

46.—NEW GALLOWAY.

NEW GALLOWAY.

	£.	s.	d.
Ordinary Revenue	3	8	$2\frac{4}{12}$
Ordinary fixed Expenditure:			
Missive and eque dues	1	13	$1\frac{6}{12}$
Balance in favour of Burgh	1	15	$-\frac{10}{12}$

East Lothian or Haddington-shire.

47.—NORTH BERWICK.

NORTH BERWICK.

	£.	s.	d.
Gross Revenue	140	4	–
Gross Expenditure	137	13	6¾
£.	2	10	5¼

N.B.—No particulars in the return.

Perth-shire.

48.—PERTH.

PERTH.

	£.	s.	d.	£.	s.	d.
Revenues				6,294	11	8¾
Fixed Expenditure; including ministers stipends, schoolmasters salaries, allowances to civil establishment and public burthens; *viz.*	£.2,395	–	11¼			
Interest and annuities	1,439	1	3			
				3,834	2	2¼
Leaving Balance of £.				2,460	9	6

for other expenses, including repairs of churches and public property, and which was last year expended, together with 894*l.* 4*s.* 8*d.* beyond the revenue of the burgh.

Fife-shire.

49.—PITTENWEEM.

PITTENWEEM.

	£.	s.	d.	£.	s.	d.
Revenue				428	9	7
Ordinary fixed Expenditure:						
Salaries and public burdens	£.71	16	11			
Feu duties payable by the town	86	4	7			
Interest of debt	65	13	6			
				223	15	–
Balance in favour of Burgh £.				204	14	7

In the account given in, the whole revenues are said to be annually expended, and the town seems in debt. The law expenses are very considerable.

Linlithgow-shire.

50.—QUEENSFERRY.

QUEENSFERRY.

	£.	s.	d.
Permanent Revenue	139	8	6
Fixed Expenditure	81	18	11
Balance for Casual Expenditure - - - - £.	57	9	7

Renfrew-shire.

51.—RENFREW.

RENFREW.

	£.	s.	d.
Revenue	1,404	12	– ¾
Expenditure	1,057	4	9 ¾
Balance - - - - - - - - £.	347	7	3

Note.—No particulars are given in the return from this burgh, except that a debt of 4,122*l.* 16*s.* 7*d.* is due by it.

Bute-shire.

52.—ROTHESAY.

ROTHESAY.

	£.	s.	d.	£.	s.	d.
Revenues				354	12	8
Fixed Ordinary Expenditure	155	16	3			
Interest of 3,400*l.* being balance of sum of 4,000*l.* advanced by Government, for improvement of the harbour	136	–	–			
				291	16	3
Balance - - - - - - - - £.				63	16	5

Note.—There appears to have been a sum of 1,000*l.* lately borrowed from Lord Bute, by the magistrates; but there is on the other hand, a sum of 2,000*l.* in his lordship's hands, raised by subscription for the purpose of paying 200*l.* per annum to government, for the gradual extinction of the principal of the other debt, the burgh paying the interest.

Lanark-shire.

RUTHERGLEN.

53.—RUTHERGLEN.

	£.	s.	d.
Revenues - - - - - - - - - - - -	485	1	4
Permanent Annual Expenditure - - - - - - - -	181	15	4
Balance in favour of Burgh - - - - £.	303	6	–

for other expenses, including repairs executed last year to the extent of 67*l.* 17*s.* 10*d.*

Dumfries-shire.

SANQUHAR.

54.—SANQUHAR.

	£.	s.	d.
Ordinary Revenue - - - - - - - - - - - -	47	19	11 ½
Ordinary fixed Expenditure:			
Land-tax, eque and missive dues, town-clerk's salary, town officer's d°, expense of lighting streets, and schoolmaster's salary - - - -	39	18	–
Balance in favour of Burgh - - - - £.	8	1	11 ½

Fife-shire.

ST. ANDREWS.

55.—ST. ANDREWS.

		£.	s.	d.
Ordinary Revenue - - - - - - - - - - - -		992	11	1
Ordinary fixed Expenditure:				
Public burdens - - - - - - - - -	£. 46 19 11			
Stipend and salaries - - - - - - -	248 12 8			
Interest of debt - - - - - - -	203 12 –			
		499	4	7
Balance in favour of Burgh - - - - - £.		493	6	6

Selkirk-shire.

56.—SELKIRK.

SELKIRK.

				£.	s.	d.
Ordinary Revenues				984	11	2
Ordinary fixed Expenditure:						
Salaries to town servants	£. 130	10	2			
Public and parochial burdens	85	18	2			
Lighting streets and paving	22	16	9			
Interest of debts	529	8	3			
				768	13	4
Balance in favour of Burgh £.				215	17	10

Stirling-shire.

57.—STIRLING.

STIRLING.

				£.	s.	d.
Ordinary Revenue				2,929	1	3
Ordinary fixed Expenditure:						
Stipends and salaries	£. 1,023	11	2			
Rents and feu duties	138	12	5			
Public burdens	129	18	7			
Interest of debts	451	5	9			
Lamps lighting	100	–	–			
Clothing for town officers	30	13	6			
				1,874	1	5
Balance in favour of Burgh £.				1,054	19	10

Wigtown-shire.

58.—STRANRAER.

STRANRAER.

The State given in does not contain any classification of the items composing it, nor does it detail the extent and nature of the Town's revenues, so that it is impossible to say what is the ordinary annual Income of the Burgh, or its ordinary fixed Expenditure.

The Income for 1825, seems to have been	£. 236	17	7
And the Expenditure	224	7	3
Balance in favour of Burgh	£. 12	10	4

Ross-shire.

59.—TAIN.

TAIN.

	£.	s.	d.
Ordinary fixed Revenue	122	14	9½
Ordinary fixed Expenditure:			
Stipends, schoolmaster's salary, taxes, town officers, town-clerk, &c.	160	15	1
Balance against the Burgh	38	–	3½

In the accounts rendered, the casual Income is stated at 548*l.* 8*s.* 9*d.* while the casual Expenditure is stated at 433*l.* 2*s.* 5½*d.*; leaving on the whole, a Balance in favour of the Burgh, of 77*l.* 14*s.* 6*d.*

Wigtown-shire.

60.—WHITHORN.

WHITHORN.

There is no detailed account given in of the revenues of this Burgh. It is merely stated that the Income of the Burgh, in the year 1825, was - - - - - - £. 285 3 6

	£.	s.	d.
the Income of the Burgh, in the year 1825, was	285	3	6
And the Expenditure	119	7	10
Balance in favour of Burgh	165	15	8

Caithness-shire.

61.—WICK.

WICK.

	£.	s.	d.	£.	s.	d.
Ordinary fixed Revenue				98	13	6
Ordinary fixed Expenditure:						
Salaries	20	11	–			
Feu rent	16	–	–			
				36	11	–
Balance in favour of Burgh - - - - - £.				62	2	6

Wigtown-shire.

62.—WIGTOWN.

WIGTOWN.

		£.	s.	d.
Ordinary fixed Revenue		369	10	6½
Ordinary fixed Expenditure:				
Salaries	£. 103 7 – ½			
Public burdens	22 17 – ½			
		126	4	1
Balance in favour of Burgh £.		243	6	5½

NOTE

AS TO ABSTRACTS OF BURGH REVENUE.

IN making up the foregoing Abstracts much difficulty was felt, from the very imperfect way in which the Returns have been made.

The Accounts only embrace the Income and Expenditure of one year; and as both the one and the other are casual in many instances, it was impossible to state them with precision, which could only be done by an average.

In these circumstances the fixed Income, in so far as could be discovered, was taken; and also the fixed Annual Expenditure. But this left nothing for repairs, improvements, law expenses and miscellaneous disbursements, which latter form a very considerable item in the Annual Expenditure of all the Burghs.

FIRST REPORT

OF THE

GENERAL BOARD OF DIRECTORS OF PRISONS IN SCOTLAND,

TO

THE MOST HONOURABLE THE MARQUESS OF NORMANBY,
ONE OF HER MAJESTY'S
PRINCIPAL SECRETARIES OF STATE,

OF

THEIR PROCEEDINGS UNDER THE ACT 1 & 2 VICT. c. 42.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.
1840.

amelioration; and the change of system which has been finally effected by the Act of 1839.

General View of the System with respect to Prisons previous to the Act 1839.

The earliest authentic notice of prisons which appears among the records of the Scottish Parliament is the Act of 1487, c. 101, passed in the reign of King James III., intituled, "Of the keiping of Arreisted Trespassoures." It appears from this Act, which is one of a series of statutes relative to the criminal law, that there were at that period "castels" for the reception of prisoners,— and coroners, whose duty it was to arrest persons charged with offences, and either require them to find bail for their appearance at the justice aire, or commit them to some "castel" for trial. The Act recites that, for the punishment of trespassers who have been arrested "be the crowners, and in default that they could find na borrowes, nor there was na castel to receive and keep them in quhill the justice aire, and there throw escaped and was put fra the law: therefore, in time to cum quhair ony crowner arreistis and takis sick trespassoures, he sall bring them to the schireffe of the schire, quhilk schireffe sall receive them and keep them in suretie and firmance on our Soveraine Lordis' expenses quhair it failzies of their awin gudes, quhill the nixt justice aire, and then presente them to the justice. The quhilk schireffe sall have allowed to him in the Checker, for the expenses that he makis in the keiping of thay persones, that beis delivered to him be the crowner, for ilk person three pennies on the day, he bringand a testimonial to the Checker fra the justice under his seale, of the persones that he bringis to the justice aire, and how lang time, and quhat dayes he keiped them." It would thus appear that the "castels" spoken of must have been supported at the expense of the crown, because the substitute provided for imprisonment in them is delivery of the persons arrested to the sheriff, to be by him kept in surety and firmance at the king's expense, when their own funds were insufficient. The probability of this conjecture is confirmed by a subsequent Act passed in the reign of King James V. 1528, c. 5, in which the castles to which coroners are directed to take prisoners are spoken of as the "Kingis castels." The direction to the coroners is to take the persons arrested "and put them in the Kingis castel if ony be within the schire; and gif there be na castel, to the schireffe of the schire, according to the Actes of Parliament maid thereupon of before: and failzieing thereof, the crowners to answer to our Soverain Lord for their unlaw." It appears, therefore, that down to this period the crown provided for the custody of prisoners either in the King's castles, or by placing them in the hands of the sheriff to be maintained at the expense of the crown. It may be remarked, however, that these provisions relate only to prisoners before trial, there appearing to be no regular provision for the custody of prisoners after conviction, which may, perhaps, be accounted for by the usual sentences after conviction being fine, or more frequently corporal punishment.

The next statute worthy of notice is the Act 1579, c. 74, passed in the reign of King James VI., and intituled, "For punischment of strang and idle beggars, and reliefe of the pure and impotent." It is ordained by this Act, "that vagabonds and strang and idle beggars sall be apprehended, and upon their apprehension be brocht befoir the provest and baillies within the burgh, and in everie parochin in landwart befoir him that sall be constitute justice be the kingis commission, or be the lords of regalitie within the samin, to this effect, and be them to bee committed in waird in the commoun prison, stokkes, or irons, within their jurisdiction, their to be keiped, unlatten to libertie, or upon bande or sovertie quhill they be put to the knawledge of ane assise, quhilk sall be done within sex days thereafter; and gif they happen to be convicted to bee adjudged to be scourged and burnt throw the eare with an hote iron; the processe quhairof sall be registrate in the court buikes, except sum honest and responsal man will, of his charitie, be contented then presentlie to act himselfe before the judge, to take and keip the offender in his service for ane haill zeir nixt following, under the paine of twentie pound, to the use of the pure of the toun or parochin, and to bring the offendour to the head court of the jurisdiction at the zeire's end, or then gude pruife of his death, the clerke taking for the said acte twelve pennies onely; and gif the offender depart and leave the service within the zeir, against his will that receives him in service, then being apprehended, he sall be of new presented to the judge, and be his command scourged and burnt throw the eare, as is foresaid; quhilk punischment being ance received, hee sall not suffer againe the like for the space of three scoir dayes thereafter; bot gif, at the ende of the saidis 60 days, hee be founden to be fallen againe in his idle and vagabond trade of life, then being apprehended of new, he sall be adjudged and suffer the pains of death as a thief"

It appears from this Act, that the use of the king's castles in the keeping of prisoners had come to be discontinued, and that common prisons (the term generally afterwards used in the statute-book) were now used for this purpose. It does not appear, however, in what way these common prisons were provided and maintained; nor does it appear that the prisons were used for any other purpose than for the safe custody of persons charged with offences previous to their being brought to trial. Instead of punishing by imprisonment, the punishments were probably, as in this Act, usually corporal; and we have here a curious commutation of the punishment of scourging, and burning through the ear with a hot iron, into a year's servitude to some "honest and responsal man," who becomes accountable for the delinquent, and to whom he is assigned, probably for want of sufficient prison accommodation.

First regular provision for Prisons, 1597, c. 277.

The first regular provision made by the Scottish Legislature for the erection and maintenance of prisons, was by an Act passed in the same reign as the preceding (1597, c. 277), intituled "Prison-houses suld be bigged within all Burrows." This important Act continued to be the foundation of the general law and practice of Scotland, relative to providing prisons, down to the Act of the last session of Parliament. It is as follows:—"Our Soveraine Lorde and Estaites of this present Parliament, understanding that for want of sufficient and sure prisones, jailles, and warde-houses, sindry rebelles and transgressoures of the lawes, alsweill criminal as civil, escapes unpunished and justice contemned: for remeid quhairof, our Soveraine Lord and Estaites hes statute and ordained that, within the space of three zeires, in all burghs within this realme there be sufficient and sure jailles and warde-houses, bigged, uphalden, and maintained be the provost, baillies, councell, and communities of the said burrowes, upon their awin common gude, or utherways upon the charges of the burgh; and that, for sure imprisoning, warding, keiping, and deteining of all sik persons, transgressoures of his heiness lawes, upon their awin expenses, alsweill criminal as civill, as shall be presented unto them be the schireffe of the schire, or stewardes and baillies of regalities, within the quhilk the saids burghes are situate, and specially quhair their judicatory sitts; and alswa all uthers persons presented aither to warde, be vertew of their awin authority, within burghes or utherwayes, upon letters of caption directed to them."

Obs. 1686, p. 302.

Sir George Mackenzie, in his observations on this Act, published nearly a century after it was passed, accounts for this great burden of providing prisons being thrown upon the burghs, by the circumstance of their "having great freedoms and privileges from the king." He says that the obligations of the Act apply to the magistrates of burghs of regality, as well as of burghs royal, but not to bailies of burghs of barony, nor to bishops' bailies; and his opinion appears to be confirmed by subsequent practice, although the law does not seem to have been altogether settled with respect to burghs of regality and barony.

There are various subsequent Acts, containing provisions relative to prisons and the aliment of prisoners; but it does not seem necessary, in the present view, to enter into any lengthened statement in regard to them. It is all along assumed that the provision made by the Act 1597 is in force and binding on burghs. This also sufficiently appears from the decisions of the Court of Session, pronounced during the last two centuries, in questions relative to the construction and effect of the Act. The chief points which seem to have been agitated in Parliament and the courts of law, regard the aliment of the different classes of prisoners, and the consequence of refusing to receive debtors, of keeping them improperly, or allowing them to escape from prison. On the first of these points various provisions were made by statute, calculated to lighten the burden thrown on burghs, which otherwise might have been liable to provide aliment to all destitute prisoners, from mere motives of humanity, and in order to prevent them from starving in their hands, although there does not seem to have been any express provision of law obliging them to furnish such aliment. Thus, the Act 1617, c. 8, s. 17, ordains that "all magistrates of burghs, and keepers of any gailes or prisons, shall receive into their prisons all such persons as either shall be brought by constables, or sent unto them by warrands under the hand of any one justice of peace, the said justices causing satisfie for their entertainment; and if any magistrates or their gailers suffer any persons committed by the justices to their prisons to escape, they shall be condignly punished therefore, at the discretion of his majesty's councel." This provision, however, relates only to prisoners committed by the justices under the statute 1617, which contains the provision, and not to prisoners whom the magistrates of burghs were previously ordered to receive and keep by the Act 1597; and, accordingly, there seems to be no trace in practice of the justices of the peace making any provision for any other prisoners than those they themselves committed. This Act further appears to be confined to the case of prisoners before sentence; for it is the wants of the prisoners at that time which are stated as the reason of the statute.

The above-quoted provision of the Act 1617 is repeated in the subsequent Act 1661, c. 38.

Act of Grace.

The Act 1696, c. 32, commonly called the Act of Grace, was also calculated to relieve burghs, in some measure, of the burden of providing aliment to prisoners. The preamble of this Act bears, that "Our Sovereign Lord considering that generally the burghs of this kingdom, havers of prisoners, are troubled and overcharged with prisoners thrust into their prisons, who have nothing to maintain themselves, but must of necessity either starve or be a burden upon the burgh." Therefore it is ordained that in the case of civil prisoners being so poor as to be unable to aliment themselves, they should be entitled to apply to the magistrates of the burgh where the prison is situated, and upon showing that they had not wherewith to aliment themselves, to obtain aliment, at a certain rate, from their creditors, which, if the creditors refuse, within the space of ten days, it should be lawful to the magistrates to set such prisoners at liberty. This humane law is still in force, and has since been more fully carried out in its spirit and intention by the Act of 6 Geo. IV. c. 62, by which, incarcerating creditors are required at the time of incarceration to lodge ten shillings in the hands of the keeper of the prison, as a means of securing payment of aliment from the period of the debtor's imprisonment, in case it should be afterwards awarded under the Act of Grace. This part of the law relative to the aliment of debtors, it may be here observed, remains unaltered by the new Prisons' Act.

Rogue Money.

The Act of 11 Geo. I. c. 26, s. 12, establishing the assessment and collection of what is commonly called the rogue money, makes a further and very important provision for the aliment of a certain class of prisoners, namely, criminal prisoners confined previous to trial, to the situation of which class the legislature seems to have directed their chief attention. The Act appears to assume that the Scotch statutes 1617 and 1661, already mentioned, in so far as they enable the justices of the peace to raise funds for the aliment of poor prisoners, are either insufficient for the purpose or in desuetude. Its provision is as follows: "And whereas, for want of a sufficient fund for defraying the charges of apprehending criminals in North Britain, and of subsisting them when apprehended until prosecution, and of carrying on the necessary prosecutions against them, it often happens that criminals there escape the punishment due to their offences: for preventing of which inconveniences for the future, Be it enacted, by the authority aforesaid, that it shall and may be lawful to and for the freeholders of every shire, county, or district in North Britain, to assess the several shires or stewartries where their estates lie, at their meetings at any of their head courts yearly, in such sums as they shall judge reasonable and sufficient for the purposes aforesaid; and that such monies so from time to time to be assessed, shall be collected, received, and accounted for by such person and persons, and in such manner as such freeholders shall from time to time appoint, and shall be applied for defraying the charges of apprehending of criminals, and of subsisting of them in prison until prosecution, and of prosecuting such criminals for their several offences by due course of law, and to and for no other use and purpose whatsoever."

Although this Act thus makes provision for subsisting criminal prisoners until prosecution at the expense of the counties, no provision was made for the subsistence in prison of criminals after conviction. This expense, therefore, has been held to fall upon the burghs in whose prisons they were confined, as a consequence of the general obligations thrown upon them with respect to prisons. This point was so determined by the first division of the Court of Session, after a very full argument and consultation with the judges of the second division of the Court and the lords ordinary, in the case of Ramsay against the magistrates of Dundee, 1st March, 1825, Fac. Coll. Previous to this decision, however, the practice under the Rogue-money Act had been very various in the different counties. It appears from a statement contained in a pleading on behalf of the crown, in a case between the officers of state and the commissioners of supply of Wigtonshire, 5th June, 1827, Fac. Coll., that in 1819 the Lord Advocate had obtained information from the several counties as to the maintenance of persons committed on criminal warrants. According to the information thus furnished, it appears that criminal prisoners were maintained out of the rogue-money, both previous and subsequent to conviction, in no less than seventeen counties. In six counties such prisoners were maintained, both before and after conviction, either out of the county rogue-money, or the funds of the burgh, according as the offence with which the prisoner was charged was committed within or without burgh. In the other counties, the practice was not uniform; but in all the county funds were employed to a certain extent in the aliment of criminal prisoners. The words of the Rogue-money Act are, that "it shall and may be lawful" to the counties to assess themselves in such sums as they shall judge sufficient, a mode of enactment which might have suggested doubts as to the obligation on the counties to do so. It appears, however, that this doubt has not been taken advantage of, but, on the contrary, that the duty imposed on counties by the Act, in so far as regards the subsistence of prisoners, has been fully discharged.

Liability of Burghs for escape of Debtors.

But besides the obligations which the law thus imposed on burghs with respect to providing the fabrics of the prisons, and maintaining a certain class of prisoners, a very heavy burden was held to fall on them as a consequence of their general obligation with respect to the proper and secure custody of debtors. The rule with regard to the execution of diligence against debtors is, that they are to be taken by the legal officer to the next sure gaol. The magistrates of burghs were therefore at all times liable to have debtors delivered into their custody, whom they were bound to receive and detain. Many questions have thence arisen during the last two centuries as to the mode of imprisonment, and the extent of *squalor carceris* which the debtor was to endure. It is held that the incarcerating creditor has an interest in having his debtor confined with a certain degree of strictness and discomfort, in order that he may thereby be compelled to pay his debts, or take the benefit of the *cessio*, and surrender his effects. Magistrates of burghs have consequently been found liable to pay the debt for which a prisoner was incarcerated, not only in case of his escape through the negligence of the gaoler or the insufficiency of the prison, but also in case of the prisoner being allowed too much ease and liberty. It appears to have been doubtful how far the debtor could be allowed to go beyond the walls of the prison even for the most necessary air or exercise; and accordingly it was recommended by a Committee of the House of Commons, who reported to the House on the subject of prisons in 1818, that in any bill that might hereafter be introduced into Parliament, it should be enacted, that if proper and secure airing grounds are provided for prisoners, persons confined for debt may be allowed access to them without such indulgence being deemed to be an escape. This recommendation, however, it may be observed in passing, was not attended to in the Act which was passed in pursuance of the Report of this Committee. The only mode in which a debtor can legally and safely be enlarged while under imprisonment is in the event of extreme hazard of life through sickness, by his obtaining liberation on the certificates of physicians, under a judicial application. On the other hand, the magistrates are not liable for the escape of debtors if it should take place by the use of force, or by means not inferring neglect or default on the part of the magistrates or their keeper. The burden of proving sufficiency and vigilance, however, in case of an escape, lies with the magistrates. The extent to which this burden has affected the burghs may be seen from the evidence appended to the before-mentioned Report of the Committee of the House of Commons in 1819, in the answers given to a query, put with the view of eliciting information on this subject, which, with others, was sent to the several burghs by that Committee. It appears from the answers that the loss thus occasiond to many of the burghs has been very considerable.

Jurisdiction Act.

The only other Act passed during the last century relative to prisons which it seems to be proper here to notice is the Jurisdiction Act of 20 Geo. II. c. 23, which makes provision for regulating Barons' Prisons. Previous to the abolition of the heritable jurisdictions the powers possessed by barons were extensive, and many subjects having grants of jurisdiction as heritable sheriffs, bailies, &c., or being infeft in a lordship or barony, with a right to jurisdiction, and to hold courts and draw fines, maintained prisons of their own. These rights of jurisdiction, besides giving dignity and influence, may also have been a source of profit from fines of delinquents; and the compensations granted by Act of Parliament on their abolition appear to establish this. But by the limitation of barons jurisdictions effected by this Act the interest of the barons to provide prisons in a great measure ceased, and consequently an increase of the burden on burghs was probably produced. Another consequence of this Act was, that fines which had previously gone to the barons now generally became payable to the Crown, without any corresponding obligation having been imposed. This circumstance has been pleaded on behalf of the burghs in support of their claim to be relieved from part of their obligations with respect to prisons. The provision of the Jurisdiction Act for regulating the prisons of barons is the following :—"That every baron or other heritor of lands in Scotland, who shall be entitled to or possessed of any criminal jurisdiction not hereby abrogated or taken away, shall and is hereby required to enter in a book, to be kept by the sheriff-clerk of the county within which his lands lie (which books the said sheriff-clerks are hereby authorized and required to keep for that purpose), the house, room, or place which such baron or heritor hath provided or appropriated, or shall provide or appropriate, for being used as a prison for rendering effectual the jurisdiction competent to him by law; and it shall not be lawful to such baron or heritor, or his bailie, to cause any person to be imprisoned in any other room or place than what shall be so entered; and every such house, room, or place shall be so situated, and have such windows or grates open to inspection from without, as that it may be practicable for any friend of the party imprisoned to visit, see, and converse with that prisoner when he shall be so minded; and that every such baron or heritor shall, for every offence against this Act, forfeit the penalty of twenty pounds sterling, with costs, to the party injured; and that all and every the sheriffs of shires and stewarts of stewartries, not hereby abrogated or taken away, or their deputies within Scotland, shall and they are hereby required to visit and inspect all such houses, places, or rooms as shall be so entered as prisons, and to disallow and prohibit the use of the same, in case they shall appear to the said sheriffs or stewarts, or their deputies respectively, to be places grievous or unhealthy, or not agreeable to the regulations hereinbefore enacted."

Footing on which the Law then stood.

The footing on which the law was thus established with respect to prisons and prisoners may, with some varieties in practice, be generally stated to have been as follows :—

1. That the burghs were bound to provide prisons for the whole kingdom, in which they were obliged to receive and detain in custody all civil and criminal prisoners.

2. That the burghs were further bound to be at the expense of providing aliment to criminal prisoners after conviction.

3. That the burghs were further liable for the proper and safe custody of debtors, and, in the event of the improper custody or escape of such debtors, became liable for the debts for which they were imprisoned.

4. That the counties were liable for the expense of providing aliment to criminal prisoners previous to trial. And

5. That civil debtors were bound to support themselves, and when unable to do so were entitled to receive aliment from the incarcerating creditors.

Evils with respect to Prisons.

Such being the system, it may easily be imagined that its insufficiencies and evils must have been strongly felt. In former times, when imprisonment was not much used as a mode of punishment, and to which, indeed, the old law and practice of Scotland seems to have been rather adverse, the magnitude of the evils would not be so apparent, as prisons were then chiefly required for the custody of civil prisoners, and for the detention, previous to trial, of such criminal prisoners as were unable or were not permitted to find bail for their appearance. But in course of time, when courts of law came to be in use to sentence criminals to imprisonment, frequently for long periods, as a punishment, the bad state of the prisons and the burden on the burghs must have become a much more extensive ground of complaint. The power of enforcing the obligations thus imposed on the burghs was vested by law in the civil court, in so far as regarded the confinement of debtors, and in the criminal court as regarded the detention and punishment of criminals. The Lord Advocate, as public prosecutor, was the proper party to complain of the neglect or misconduct of the magistrates in these respects. The Courts might interfere *ex proprio motu*, or even a private party aggrieved might complain. There is ample evidence of frequent use being made of these rights of complaint, the Lord Advocate having, according to the statement of the Municipal Corporation Commissioners, made no less than four such complaints in three years previous to 1835. Although there was thus sufficient legal authority for enforcing compliance with the requisites of law, it must have been at all times difficult, and often impossible, to obtain the successful interposition of the courts. Many of the burghs which were formerly wealthy had fallen into a state of decay and insignificance, their property had been alienated, and their common good or other

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revenues had become utterly insufficient to enable them to fulfil this obligation. The poverty of such burghs must therefore have practically prevented their compliance with what the law required of them, even if steps had been taken against them. For, as the obligation is imposed only on the incorporation, and not on the inhabitants, it has been understood in practice, that if the corporate funds were insufficient the magistrates were not personally bound to provide a prison, and had no power to assess the inhabitants.

Counties gave voluntary aid.

In these circumstances, several of the counties, influenced, probably, by a conviction of the necessity of doing something to ameliorate the condition of the prisons, voluntarily contributed their assistance in the improvement of the burgh prisons, or in the erection of a different class of prisons called bridewells, for the reception of convicted criminals. These were generally erected under local acts passed with the consent of the local authorities; and in this way much was done, towards the end of the last century and in the beginning of the present, to improve the state of prisons and prison discipline in several of the most important counties in Scotland. A few counties, also, had no royal burghs situated in them, and were of necessity obliged to provide and support a prison out of the county funds by means of local acts. All this aid, however, contributed by counties, was necessarily varying and uncertain, and could not be obtained efficiently, or without great difficulty and expense.

Evils with respect to Discipline.

The consequence of this state of things with respect to discipline was, that the magistrates of burghs were invested with the power of making regulations for the due management of the prisons provided and maintained by them. In those instances in which local acts had been obtained for building bridewells, or for assessing the counties, or parts of counties, in order to aid the magistrates of burghs, powers were usually also conferred on the justices of peace or other authorities of the county. In some of these there may be a few regulations in the local acts respecting discipline, but under such exceptions, the magistrates of burghs, or other authorities in whom the management of the prisons was vested, were left to be regulated by the common law, both with respect to their obligation to maintain discipline, and the kind which should be maintained. Their conduct in these respects, however, might, to a certain extent, be subject to the controlling power of the Courts of Session and Justiciary. The discipline which was thus practically observed in the common prisons was ruinously imperfect. As will be seen from the result of the Parliamentary inquiries to be hereafter referred to, these prisons were generally defective even in point of security, and still more so with regard to the accommodation of prisoners. Many consisted of only two or three rooms or cells, and therefore possessed little or no means of separation, except that of males from females. Criminal prisoners of all descriptions and ages, untried and convicted, and of all degrees of guilt, were thus necessarily associated together, and even debtors and other civil prisoners, often suffered all the evils of such association along with them. They were not obliged to work, and generally lived in total idleness. Even after conviction, if the sentence was simply imprisonment, they could not be compelled to work. Bridewells were in a different situation from the common prisons. The sentence of imprisonment in them carried along with it a power to treat the prisoner according to the rules of the establishment, which imply labour. From this cause, probably, as well as from the management of such prisons being more carefully and recently regulated, the discipline and good effects of the bridewells have been in general incomparably superior to those of the other prisons.

Petition of Convention of Burghs in 1817.

The first step which led to any alteration of the law as thus established, was taken by the convention of royal burghs assembled in the year 1816, which remitted to a committee the consideration of the subject of burgh gaols, with the view to obtain some relief to the burghs. After consultation with the Lord Advocate, this committee, by the advice of his Lordship, prepared a petition to Parliament praying to be relieved of part of the expense thrown upon them with respect to prisons. In the following year, 1817, the committee reported the draft of this petition to the convention, by whom it was approved of, and directed to be laid before Parliament. The petition being presented to the House of Commons, was referred to a committee, who sent the following circular letter to the several burghs:—

"Sir,

The Committee of the House of Commons, to whom the petition of the royal burghs of Scotland respecting the burgh gaols has been referred, request that you will answer the following queries without delay.

1. Is the gaol in your burgh sufficient for the accommodation and secure custody of the civil and criminal prisoners confined therein?
2. When, and at whose expense was it built, repaired, or enlarged;—if the gaol is connected with a court-house, town-hall, or other building, distinguish the expense properly belonging to the gaol from the rest of the building?
3. What accommodation does it afford to the prisoners?
4. What is the number of prisoners, civil and criminal, usually confined at the same time, taking an average of the last 20 years?
5. Is the number increased of late years?
6. What proportion do the civil usually bear to the criminal prisoners?
7. What proportion of the prisoners usually belong to the population within the jurisdiction of the burgh?
8. Has the burgh sustained any, and what loss by the escape of prisoners for debt, during the last 20 years; and to what was the escape owing?
9. In what manner is the gaoler paid; and what is the amount of his income as gaoler?
10. Does the gaoler find caution, and to what amount?
11. What is the annual average amount of repairs and other incidental expenses attending the gaol paid by the burgh, exclusive of gaoler's salary, taking an average of the last 20 years; and are these expenses increasing?
12. What is the annual income of the burgh; from what sources does it arise; and is it increasing or falling off?

State to the committee any other information you may think requisite to enable them to form a just opinion respecting the said petition from the royal burghs.

Address your answer 'To the Clerk of the Committee on Scotch Gaols, House of Commons, London.'

(Signed) JAS. MONTGOMERY, *Chairman*."

In answer to these queries much information was received, showing generally the insufficient state of the burgh prisons in point of security and accommodation, the want of proper discipline, and the impossibility of compliance by the burghs with what the law required of them from the inadequacy of their funds. Accordingly on 22d May, 1818, the committee appointed to consider the petition of the convention of royal burghs, agreed upon the following report:—

Report by Committee of 1818.

" Your committee having taken into consideration the said petition, proceeded, in the first place, to call on each royal burgh in Scotland for answers to certain queries suggested by the allegations in the said petition.

" Upwards of 49 royal burghs have accordingly made returns to these queries, which are given in the Appendix, by which it appears, that with the exception of 8 or 10, none of the gaols in these burghs are in a good state, and many of them are both insecure and incommodious. Although it is the acknowledged law of Scotland that the royal burghs are bound to provide proper gaols, yet your committee are fully sensible, that from various causes the means of many of these burghs are become inadequate to the necessary improvement of their existing gaols; but as this is not the case with all of them, and as others would require aid from the counties in which they are situated, in different degrees, it appears to your committee, that no general measure can be enacted to fix the different proportions which might be thought the counties ought respectively to contribute in aid of building or improving one or more gaols within their bounds. As several counties have, however, already voluntarily assisted the burghs in building new and commodious gaols, by obtaining Acts of Parliament to enable them to assess themselves for that purpose; and as your committee are induced to believe that this would be done by many of the counties, if they had the power of assessment which is given to the counties of England by the Act 24 Geo. III. c. 54; they beg leave to recommend that a Bill should be introduced applicable to Scotland, empowering the Commissioners of Supply at the different counties, upon application being made to one or more of the royal burghs, situate within them for aid to improve or rebuild their gaols, to take the said application into consideration, and to grant such sums as they may deem necessary for that purpose, and to assess the county for the same. It does not appear, however, to your committee that it would be expedient to recommend any alteration of the law, as far as regards the responsibility of the magistrates of the royal burghs for the escape of prisoners which is now imposed upon them. But it would be proper in any Bill that may hereafter be introduced into Parliament, to enact that if proper and secure airing grounds are provided for the gaols, persons confined for debt may be allowed access to them without such indulgence being deemed to be an escape, which, as the law of Scotland now stands, your committee understand might be the case."

Returns of 1819 of Prisons in Scotland.

In March, 1819, Returns were presented to the House of Commons, and ordered to be printed, containing an account of all gaols, houses of correction, or penitentiaries in Scotland, and in particular "specifying the number of persons committed to each, and the greatest number of prisoners confined in each at any period of the year 1818, distinguishing tried from untried, males from females, those under the age of 17 from those above it; also, under what jurisdiction and superintendence each prison is placed, what number of prisoners each is calculated to contain, into what number of separate classes or departments it is divided, and how far the number of those divisions can, without great inconvenience or expense, be increased; also, an account of all allowances of food, money, or clothing made to prisoners, of the value of labour done, and the application thereof; and, generally, of the subsisting regulations for the discipline and government of each prison, and in what instances those regulations have been deviated from in the course of the year 1818, and what has been the occasion of such deviation, and under what authority it has been allowed, in all such prisons respectively, as far as relates to Scotland."

These Returns fully corroborate the Report of the committee of 1818, with respect to the state of the prisons in Scotland, as being "insecure and incommodious," and unprovided with any proper discipline, or means of moral or religious instruction for the prisoners.

Act of 59 Geo. III. c. 61, enabling Counties to give aid to Burghs.

The Act of 59 Geo. III., c. 61, enabling the commissioners of supply of the different counties to give aid in improving prisons, was passed in 1819, in pursuance of the recommendations contained in the Report by the Committee of the House of Commons in the preceding year. This Act was not compulsory on the counties; it merely gave them permission, if they chose, to give aid to the burghs, in improving, enlarging, or rebuilding their prisons, or to improve, enlarge, or rebuild common prisons of counties, which were not the prisons of burghs. The anticipations of the committee, however, in regard to its effect, were not fulfilled, as it has been acted on only in very few instances. The "insecure and incommodious" state of the prisons reported by the committee, and recited in the preamble of the Act, therefore still continued to require a remedy, and it was admitted by all that the dilapidated state of the burgh funds rendered them altogether unable to supply it.

Select Commiitee of 1826.

The state of the Scotch prisons was again brought before the House of Commons in 1826, by Sir William Rae, at that time Lord Advocate, when a select committee was appointed "to inquire into the state of prisons in Scotland, and into the means of maintaining prisoners confined therein under criminal warrants, and to report their observations thereon to the House."

Report by Committee of 1826.

This committee called for and obtained returns showing the conditions of the prisons, and examined several witnesses on the subject. They also procured evidence as to the extent of the funds of royal burghs; and on 18th May, 1826, reported to the House a very valuable mass of evidence, along with the following Report:—

"Your committee have called for and obtained returns calculated to show the present condition of the prisons in Scotland, and they have examined several witnesses qualified to afford important information on the subject. They have also procured evidence as to the extent of the funds belonging to royal burghs, on which alone the obligation to erect and maintain sufficient gaols, and to aliment prisoners under criminal warrants subsequent to conviction is at present by law imposed.

"The result of this inquiry has, in the opinion of your committee, been to show that, with a few exceptions, the state of those prisons is very defective in point of security, accommodation, and management; while the funds from which such prisons ought to be improved are in most instances inadequate to that purpose.

"It seems matter of regret that so little advantage has resulted from the inquiries into the state of Scottish gaols, which were made in Parliament in the years 1818 and 1819, followed by the Act 59 Geo. III., c. 61, which enabled counties to give aid to burghs in enlarging and improving their prisons; and, under such circumstances, it appears to your committee that it is no longer a matter of choice, but of necessity, that a speedy and effectual remedy should be applied to an evil of such magnitude.

"Impressed with the belief that no prison can be properly constructed or regulated, unless it be of considerable size, it has occurred to your committee, as a matter meriting much attention, whether it would not be expedient that gaols should be erected in certain districts of Scotland, calculated for the custody of prisoners under criminal warrants, when subjected to imprisonment of some duration. As the assizes are not held in every county of Scotland, but solely at what are termed circuit towns (to which towns prisoners, not only from the counties in which such towns are situated, but from those of several adjoining counties, are brought for trial), it is sufficiently apparent that such circuit towns would naturally form the most proper sites for these prisons, and that the counties from whence prisoners are so brought for trial would constitute the districts for whose prisoners such gaols would respectively afford accommodation.

"While your committee have thought it their duty to bring this point into notice, they find it impossible, at this advanced period of the session of Parliament, to furnish a full and satisfactory report on the important and difficult matters referred to their consideration, especially as touching the sources from which the necessary means for erecting proper prisons, and for the alimenting of prisoners under criminal warrants subsequent to conviction, ought to be derived. Your committee have therefore deemed it the most advisable course to report the evidence taken by them to the House, accompanied by the humble expression of their opinion that, in the next session of Parliament, these important subjects ought again to be referred to a committee, so that remedies best suited to the evils may, after mature consideration, be suggested and forthwith receive effect.

"With the view of obtaining correct evidence of the amount of the funds belonging to royal burghs, your committee thought it the most expedient course to call for copies of those accounts of each burgh, which had been made up for the year ending in October, 1825, in terms of the Act 3 Geo. IV., c. 91, intituled 'An Act for regulating the Mode of accounting for the Common Good and Revenues of the Royal Burghs of Scotland.' Such accounts were in consequence obtained; but they proved to be so voluminous that your committee have not deemed it advisable to lay them before the House, but have caused an Abstract, made from these accounts, to form a part of the Appendix to this Report."

Bill introduced by Sir William Rae.

Notwithstanding the strong terms in which the Committee of 1826 thus denounced the existing state of the prisons, nothing was done by Parliament during the two ensuing sessions in order to apply a remedy. Early in the session of 1829, however, a bill was introduced into the House of Commons by the Lord Advocate, Sir William Rae, which was calculated to effect very beneficial changes on the law on this subject. The bill recites, as formerly, the "insecure and incommodious" state of the prisons, the inadequacy of the funds of the burghs to perform their obligation to provide and maintain proper prisons, that the Act of 1819 had not been attended with the desired effect, and that it is expedient that sufficient prisons should be erected and maintained in Scotland, and that more effectual means should be provided for that purpose. The justices of the peace in each county are therefore directed to meet and institute an inquiry on certain heads defined in the bill, as to the state of the prison situated in the burgh or place where the sheriff-depute usually holds his court, and to report their opinion thereon to the Secretary of State. In case they shall think the prison requires to be rebuilt or enlarged, they are empowered to make an agreement with the magistrates of the burgh as to the execution of the requisite works by the magistrates, on payment by the county of such proportion of the expense as may be fixed upon. Provision is also made for the case of the magistrates declining to execute the works; and in that case the justices are authorized to do so themselves. In order to raise the necessary funds for these purposes, the commissioners of supply are required to assess the county; and the assessment is to be levied on all lands and heritages in the county, in the same manner as assessments are authorized to be levied in the before-mentioned Act of 1819, and in the 41st section of the Prisons Act of last session. The bill further contains various salutary provisions regarding prison fees, regulations for the proper discipline of prisons, the assessment of the rogue-money in the same manner as the assessment for prisons, &c., &c. Such is a brief outline of the provisions contained in this bill, which did not pass into a law; but, being dropped, the Act 10 Geo. IV., c. 54, was passed in its stead, in

Act of 10 Geo. IV. c. 54, requiring Reports.

the same session of Parliament. This Act is intituled "An Act for directing Reports to be made respecting Gaols in Scotland;" and, as the title imports, is limited to directing the magistrates of burghs and the justices of the peace to report to the Secretary of State on the same heads of inquiry as those in the original bill.

Reports made in consequence.

Reports were accordingly made by the various authorities in terms of the Act, and were laid before Parliament on 20th July 1830. They contain a very voluminous body of evidence as to the size and condition of the prisons at that period, the number and classes of prisoners confined in them, and various other particulars. The following are the matters reported on, in reference to each prison in the kingdom:—

"1st. What number of apartments such gaol consists of, how they are respectively heated and ventilated, and what is the length, breadth, and height of each; distinguishing those apartments generally used for prisoners confined on criminal warrants from those under other warrants, and distinguishing the apartments used for males from those used for females; also showing how far each of such apartments is sufficiently secure.

"2nd. The number of prisoners committed in the course of the two immediately preceding years respectively; specifying the number of persons committed for payment of penalties under revenue statutes; and distinguishing debtors from those committed on other warrants, and males from females.

"3rd. The greatest number of prisoners confined at any one time in each of the said years respectively, distinguishing debtors from those committed on other warrants; and the monthly average number of such prisoners respectively during the said periods.

"4th. What classification of prisoners the gaol admits of; whether debtors have at any time been confined or made to communicate with prisoners under criminal warrants; and whether prisoners, prior to conviction, have been confined in the same apartment, or have been allowed to communicate with those who have been convicted.

"5th. Whether any airing grounds are attached to the gaol, and what may be the extent thereof; what provision is made, and accommodation set apart for prisoners when sick, and what for prisoners under sentence of death.

"6th. The number of persons employed as keepers and under keepers; the salaries and emoluments received by each; and whether they, or any of them, have any other employment; whether they reside within the gaol, or continue there during the night.

"7th. The period when such gaol was erected, and when it last received any material addition, and of what description and extent such addition was.

"8th. By whom, at whose expense, and whether by any and what Act of Parliament, such gaol was erected or enlarged, and by whom it is maintained.

"9th. Whether such gaol is sufficient for its proper purposes, in point of size, accommodation, security, and repair; and if insufficient, in which of such respects.

"10th. If such gaol be insufficient in any of the said respects, how far it may appear that it requires to be rebuilt, or to be enlarged, and to what extent; and how far the present site admits of such rebuilding or enlargement, including airing ground.

"11th. Any additional observations which may be deemed important."

The evidence thus collected is, to a great extent, a repetition of what was previously obtained by the committees of the House of Commons, in 1818 and 1826, but is more full and complete. There are still the same nearly universal complaints of the insufficiency of the prisons, and the want of means to enforce proper discipline, or to provide work or moral or religious instruction to the prisoners, owing to the state of the law on the subject, the bad construction of the prisons, and the deficiency of funds. Some of the reports from the magistrates of burghs also complain much of the undue burden imposed on them from the accidental circumstance of other neighbouring burghs, in the same county, having fallen into decay, and being unable to maintain their prisons; whereby prisoners, who would otherwise have been taken to the prisons of these decayed burghs, are lodged with them. Upon the whole, these reports comprehend a most complete body of evidence with respect to the prisons of Scotland at that period.

Burgh Commission Report of 1835.

The Commissioners appointed by his late Majesty in 1833, to inquire as to the existing state of Municipal Corporations in Scotland, directed their attention, amongst other things, to the condition and management of the prisons. The burghs were personally visited by some of their number, and their Report, dated 5th August 1835, exhibits the result of their investigations on this subject. The Commissioners concur in the opinion of all former authorities as to the "wretched condition of the Scotch gaols." They point out the inherent evils of the existing system, and remark that "in many burghs the common good has been so wasted, that their funds have, in later times, been insufficient to maintain gaols in a proper condition, and in some burghs their state is highly discreditable; they are neither secure nor healthful places of confinement, nor placed under charge of proper gaolers. Some of the burghs have let their gaols go entirely to decay, and this throws an additional burden on the neighbouring burghs." After a statement of the various attempts that have been made to provide a remedy to these evils, which, they remark, have been hitherto unsuccessful, and referring to some examples to show the insufficient condition and management of the prisons, the Commissioners make some suggestions for the amelioration of the system. Their first and chief suggestion is the following:—"We would, in the first place, beg leave to recommend, as by far the most important preparation to a better system of management, a very great diminution in the number of prisons for the purpose of penal confinement. We are inclined to think that, for the whole of Scotland, four or five district gaols, conveniently situated, would be amply sufficient, and would certainly admit of a system of internal regulation more perfect than can be attained in those of a comparatively very small class now existing in counties and burghs. Even in the most extensive and populous counties, we hold it to be manifest that more than one gaol cannot be usefully maintained; and of the smaller counties a union of three or four, for the maintenance of a single gaol, would be highly expedient. The petty existing gaols ought to be employed only for very short confinements *in modum pœnæ*, and for the detention of parties accused till they are committed for trial, when they should be transmitted to the larger gaol of the district." They make some further suggestions as to the enforcement of proper discipline, the appointment of well qualified keepers, the abolition of fees, and the inexpediency of making the magistrates of burghs liable for the escape of civil prisoners, except in the cases of actual connivance or gross and inexcusable negligence; but that the governors or head keepers should be answerable for every escape arising from any neglect of duty on their part, and should find security. They conclude with recommending that both the assessments requisite for prisons, and the rogue-money, should be levied on a new and more equitable footing, upon the real property of the country generally.

P. 64.

Reports by Inspector of Prisons for Scotland.

The four Reports made to the Secretary of State by the Inspector of Prisons for Scotland, during the years 1836, 1837, 1838, and 1839, and presented to both Houses of Parliament, contain very full information with regard to the state of the prisons in Scotland down to a very recent period. It is unnecessary to go much into detail in regard to the evidence afforded by Mr. Hill on this subject. His Reports must be well known to all those who feel an interest in the matter. It will be sufficient here to refer to a few of the most remarkable statements contained in them.

Report, p. 1.

The Inspector observes in his first Report, and his subsequent observations tend to confirm the opinion then expressed, that the following are the chief existing evils in the Scottish prisons:—"Want of the means of separating prisoner from prisoner, and of preventing intercourse from without; want of employment, and of a provision for teaching the prisoners a trade or other occupation, by which to earn an honest livelihood when restored to society; want of mental, moral, and religious instruction; insecurity; the luxurious diet and life of ease in some prisons when compared with the food and labour of the lowest class of honest and industrious people; great expense of many of the prisons; incompetency of many of the keepers; want of female officers; want of the means of inspection; want of cleanliness and ventilation; sloth and injury to health, induced by the long time the prisoners pass in bed; and want of a uniform system." The results arising from such a state of things he states to be, in a great majority of gaols, that the prisoner, in place of being reformed or improved becomes worse, and that a prison upon the present system is but slightly deterring in its effects on the criminal population; for the present evils in the prisons being most of them of a moral rather than a physical kind, are little formidable in the eyes of the depraved, whilst the food, the grand object of interest to a prisoner, is generally better than that of many honest people out of prison, to say nothing of the freedom of labour, a great luxury generally to criminals.

It appears from the Inspector's Reports that, counting prisons of every kind, 2 Rep. p. 4. there are at present about 170 in Scotland.

Of these prisons about 70 are mere lock-up houses, consisting for the most part of only one small room. These lock-up houses are described as being generally in very bad condition, some of them dark, close, damp, cold, and insecure, and most of them having one or more of these faults; few having a glazed window, and many no fire-place or other means of warmth. They frequently form a building separate from any other, and in very few instances are in the charge of a resident keeper. In almost all of them communication can be kept up with them with people on the outside, and spirituous liquors, knives, files, &c. can be thus obtained. The bedding generally consists of loose straw, but it should be remarked that the most frequent occupants, although not the sole ones of these lock-up houses, are drunkards and vagrants, who might, many of them, have to pass the night in the open air if not thus confined.

The next class in which the prisons are arranged by the Inspector is the class of small burgh gaols, of which he states there are about 80. He describes them as considerably better than the lock-up houses, but as unfit for their purposes. These burgh prisons generally form part of the town-house, which is usually an old building, standing on one side of the main street, or of the market-place. The rooms used as a prison are frequently on the ground floor, and when not so, are generally on the second floor, or partly on one and partly on the other; the town-hall, or council-room, occupying the intermediate or first floor. The number of rooms varies generally from two to five, or six. The average number of prisoners does not exceed two or three, but occasionally there are more, and the extent of separation of prisoners seems to be limited to keeping males apart from females, and generally criminals from debtors. Few of these small burgh prisons have airing yards, or proper means for cleanliness, warmth, or ventilation. Few have resident keepers. Many of them are insecure, and there are numerous instances of escapes from them

There are two other classes of prisons reported by the Inspector, namely, a third class containing 12, and a fourth class containing 8, comprehending the larger Burgh Prisons, Bridewells, and County Prisons, many of which have been erected at the joint expense of the counties and burghs. They are generally stated as being in better condition than the preceding, but few of them well constructed, or affording effectual means of separation and good discipline.

The only remaining prison is the Glasgow Bridewell, which, in the Inspector's opinion, stands alone, as being the largest, and by much the best prison in Scotland, and as exemplifying the beneficial effects of the system of individual separation of prisoners by day and night, with useful labour, and moral and religious instruction. Its experience, he observes, when compared with that of other prisons, also proves, that as respects prison discipline, a good system is essentially economical; and he makes the general remark, that the prisons in Scotland, in which the best system has been observed for the real welfare and cure of the offender, are the very prisons that are least expensive to society. It appears, for example, that the average yearly cost of each prisoner in the Glasgow Bridewell, including his share of salaries, repairs, and all other expenses, except rent, is only about 3*l.*, whereas the average yearly cost of a prisoner in the Glasgow gaol is as much as 15*l.* "If, indeed," Mr. Hill remarks, "I had to arrange the prisons of Scotland in the order of excellence, I might with great general accuracy place them in the inverse order of expense."

Appended to his fourth Report, Mr. Hill gives a digest of Returns, obtained by him from the different prisons in Scotland, containing various kinds of statistical information. He states that some of the Returns are incomplete, and some of the entries probably erroneous, but as he has in general been able to check the most important part of the Returns by information collected on the spot, and by other means, he has no doubt that the general accuracy may be relied on. The following summary exhibits most of the principal facts:—

"*Number of Prisoners.*—The total number of prisoners during the year ending 4 Rep. p. 6. at Michaelmas, 1838, (deducting those forwarded to other prisons,) was 14,301; namely, 13,203 criminals, 943 debtors, and 155 revenue prisoners. The average number at any one time during the same period was 1,684; namely, 1,576 criminals, 84 debtors, and 24 revenue prisoners. About two-thirds of the criminals were males, and about one-third females; but almost all the debtors and revenue prisoners were males.

" *Lunatic Prisoners.*—Of these there were in all 26 during the year.

" *Deaths.*—The number of deaths was 25, or not more than 1½ per cent. on the average number of prisoners. It must be remarked, however, that many prisoners were released on the ground of illness. Whether such releases are more common in Scotland than in other parts of the kingdom, I do not know, though it is likely that they are, in consequence of the worse condition of the prisons.

" *Escapes.*—19 prisoners escaped, but of these 9 were retaken.

" *Ages of Prisoners.*—Of 11,557 prisoners whose ages were recorded, 10,419 were between the ages of 14 and 50; that is to say, were at that period of life when a person is best able to earn his own livelihood, and is consequently least exposed to the temptation of want. Of the remainder, 541 were below 14, and 597 above 50.

Periods of Confinement.—Of 9,371 prisoners sentenced to different periods of confinement, more than 8,000 were for periods of less than three months, of which number upwards of 4,000 were for less than one month. How vain it is to expect that even the best system of prison discipline can effect a reform in such short periods it is of course unnecessary for me to dilate upon.

" *Prison Expenses.*—The gross expense of the prisons of Scotland last year was 20,666*l.*; the clear profit from the prisoners' labour, 3,086*l.*; and the net expense of the prisons, 17,429*l.*, of which, however, 915*l.* was for alterations and new building. Of the net expense of the prisons, 4,538*l.* was paid by the counties, and 11,632 by the burghs, the remainder being paid chiefly out of the Exchequer. The profits from the labour were obtained at a few prisons only. The greatest amount of clear profit last year, in proportion to the number of prisoners, was at the Aberdeen Bridewell, where the average was 7*l.* 10*s.* per head.

" The net average cost of each prisoner for the whole year was 10*l.* 13*s.* 6*d.*; the highest average being at the debtors' gaol in the Canongate, Edinburgh, where, exclusive of food (which is purchased by the prisoners themselves), it was 58*l.* per head; and the lowest average at the Paisley Bridewell, where, including all expenses, it was 3*l.* 4*s.* per head. The very high average expense at the Canongate prison arises chiefly from the smallness of the number of prisoners compared with the amount of salaries.

" As a general rule, the most expensive prisons are the worst; and, as stated in a previous Report, if it were required to arrange the prisons of Scotland in the order of excellence, they might, with general accuracy, be placed in the inverse order of expense.

" The average daily cost of the food of the prisoners, including cooking, was nearly 3½*d.* per head; the highest average being at the prisons of Inverary, Campbeltown, and Kirkcudbright, where it was 8*d.*, and the lowest at the Paisley Bridewell, where it was 2¼*d.*"

1 Rep. p. 11. The remedial measures suggested by Mr. Hill, in his First Report, made in February 1836, and which are there fully explained, and are afterwards repeated and enforced in his subsequent Reports, are the following:—" 1. A uniform system to be adopted. 2. All prisoners, except those confined for very short periods, to be placed in large Penitentiaries. 3. The principle of entire separation of prisoner from prisoner, to be immediately carried into effect, where possible, and to be provided for in the construction of all new prisons. 4. Female prisoners to be placed under the care of female officers. 5. All prisoners to be required to work. 6. Prisoners to be instructed, as far as practicable, in such kinds of work as will enable them to earn an honest livelihood on leaving prison. 7. An increased provision to be made for the mental, moral, and religious instruction of prisoners. 8. A general asylum to be provided for juvenile offenders, after they have left prison. 9. A lunatic asylum to be erected for the reception of all the lunatic prisoners in Scotland. 10. The peculiar liability of royal burghs to pay the cost of erecting and maintaining prisons, and to pay the expense of prisoners, to be abolished; as also the responsibility of burgh magistrates for the safe custody of debtors; and all persons, whether dwelling in burghs, or not, to be henceforward upon an equal footing in these respects. 11. The management of all the prisons in Scotland to be placed under one directing authority, to be appointed by government; and the cost of the prisons and prisoners to be defrayed out of one general fund."

his The narrative which we have thus given of the state of the law of Scotland, with respect to prisons—their condition in point of security, accommodation, and discipline—the unequal pressure of the expense of providing and maintaining them—and the absolute want of the necessary funds for these purposes, can leave no doubt as to the expediency of an alteration of the system. The ends of imprisonment are safe custody, punishment and reformation. None of these ends has the past system successfully attained. For, although to some prisoners, confinement in an ill-regulated prison, in company with the criminal and the profligate, may be the most severe of punishments, it is not so to those who most require to be punished. On the contrary, while the feelings of the young, and comparatively innocent, may be thus affected with an acuteness and depth of suffering which find relief only in corruption, on the hardened criminal such imprisonment produces no terror. By him the moral punishment is unfelt. He is left to associate with the companions of his former crimes. He almost enjoys the rest from labouring in his vocation which is spent in recounting his exploits, listening to those of others, and improving himself in the arts of his predatory life. As places of punishment, therefore, equally as being more notoriously defective in affording means for safe custody, and reformation, our prisons generally failed in answering their ends. But not only did they fail. They actually tended to destroy such remains of innocence as might still be found within them, and to communicate and extend the contagion of crime. The duty of changing the system, therefore, became imperative on those who saw the evil, and were placed in a situation to be able to provide a remedy.

Changes effected by the Prisons Act of 1839.

In order to provide a remedy for the evils thus produced by the condition of the prisons in Scotland, and the state of the law with respect to them, the Honourable Fox Maule, in the Session of Parliament of 1837, introduced into the House of Commons a Bill "To improve Prisons and Prison Discipline in Scotland." After undergoing the scrutiny of a Select Committee, to whom it was referred by the House in that Session, and being fully considered by both Houses of Parliament and the country during the two ensuing Sessions, the Bill ultimately passed into a law on 17th August, 1839. The following is an outline of the leading features of the Act.

Bill introduced by Mr. Maule in 1837.

Passed in 1839.

Powers and Duties of General Board.

I. The general superintendence and direction of all the prisons in Scotland is conferred by the Act on this general Board. We are required to make rules for the management, good order, and discipline of all prisons. We are to direct the mode in which prisons are to be built or altered, so as to be adapted to the system of discipline ordered to be observed, to regulate the dietary of prisoners, and the mode in which contracts are to be entered into for building or altering prisons, and supplying them with food or other articles. We are further to determine which of the existing prisons are to be continued or discontinued, or how far any of them must be altered, or new prisons erected in their stead, or in other more suitable situations; and having so determined, we are, from time to time, to declare and intimate the names and situations of all legal prisons, and the description of prisoners to be received therein respectively. We are further invested with the power of directing the county boards in the management of the local prisons which are confided by the Act to the immediate superintendence of such county boards. We, however, have the sole superintendence and management of the large general prison or penitentiary to be erected at Perth, and to which all criminals ordered to imprisonment for six months or upwards may be sentenced or removed. Finally, we are to estimate, and after approval of such estimate by the Secretary of State, we are to apportion on the several counties and burghs the sums which we shall require in the execution of the Act; and such sums are to be raised by assessments levied by the existing authorities of the counties and burghs in manner hereinafter explained.

Limitations

Such is the general outline of our chief powers and duties. But in the exercise of these powers and duties we are subject to limitation and control. We are limited in so far as regards the mode in which we are to provide for the proper discipline of prisons, by the provisions of the Act itself. The preamble sets forth that "it is expedient to train the prisoners in good and industrious habits, by effecting their complete separation from vicious society, and by affording them religious and moral instruction, and employing them in useful labour." In the body of the Act it is provided, that "the said general board shall by themselves,

§ 22. or by means of the said county boards as herein provided, possess and exercise the full power of regulating the confinement, treatment, and diet of all civil and criminal prisoners, and of separating and setting them to work, and taking all due means to train them in good and industrious habits: Provided always, that the aforesaid powers of the said general and local boards, in respect of the management of prisons, and prison funds, and prisoners, shall be at all times subject to the conditions and limitations contained in this Act, and in the rules to be made in virtue hereof: Provided also, that the said boards shall not have power to set to work any civil prisoners, or any untried criminal prisoners, without their own consent; but in case of such civil prisoners consenting to submit to the ordinary rules of the prison in regard to work, they shall be entitled to the usual prison diet." § 28. And again, in another part of the Act, the system of separate confinement —which, although it is thus permitted, is not enjoined—is, if adopted, placed under the following regulations. It is provided, "That no cell shall be used for the separate confinement of any prisoner, which is not of such a size, and lighted, warmed, ventilated, and fitted up in such manner as may be required by a due regard to health, and furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison; and that every prisoner so separately confined shall have the means of taking air and exercise at such times as shall be deemed necessary by the surgeon, and shall be furnished with suitable labour or employment, unless it shall be deemed advisable by the said general board to make and certify a regulation for withholding for a period or periods, not exceeding one calendar month at any one time, such labour or employment; and all prisoners shall be furnished with the means of moral and religious instruction."

These limitations are imposed by the express provision of the Act. But we § 7. are further subject to the control of your Lordship, in so far as regards rules made by us for the management and discipline of prisons, and for the other purposes authorised by the Act; for all such rules are directed to be submitted to one of Her Majesty's Principal Secretaries of State, who is authorised, if he shall think § 8. fit, to alter the same, or make additional rules; and no rules are effectual unless approved of by such Secretary of State. The whole proceedings of this board are likewise every year to be submitted to the revision of the Secretary of State and Parliament, in the Annual Report directed to be thus presented; and, in particular, the estimate of the sums which shall be required by this board in the execution of § 40. this Act, is specially directed to be laid before both Houses of Parliament, "and the said estimate shall not be acted upon or apportioned in manner hereinafter provided, until the expiration of one month after the same shall have been so laid before Parliament, and the approval of Her Majesty's Principal Secretary of State as aforesaid, shall have been signified to the board."

Powers and Duties of County Boards. § 9. § 10.

II. County boards are to be established under the Act for the purpose of taking the immediate superintendence and management of all the prisons in Scotland, except the general prison at Perth. These boards are to be appointed for each county by the commissioners of supply at their meeting usually held on the 30th April yearly, and by the magistrates and councils of burghs at a meeting in April, in such numbers and proportions as this board may fix; the proportion between the landward part of the county and the burghs being determined as nearly as possible by the amount of assessment to be contributed by them respectively. They may consist of any persons whom these several parties may think fit to name, without reference to their being members of their own bodies, and the county § 11. boards may delegate their powers to committees of their own number. Each county board remains in office for a year, but members may be re-elected. The sheriff of the county is a member *ex officio.* The first meetings of the county boards to be appointed in the present year are to be held on the third Wednesday of May, 1840, and they are to assume the management of all the prisons in their several counties on the 1st July following. Failing the appointment or acting of any county board, this board are to § 16. supply their place. The county boards are empowered, subject to the directions § 15. of this board, to superintend and manage all the prisons in their several counties, with the single exception of the general prison at Perth. Such superintendence and management includes the building, altering, and repairing prisons, providing of food, and all other articles of consumption, furnishing instruction and employment to the prisoners, the appointment of keepers, chaplains, medical officers, clerks, and teachers, and all other persons proper to be employed, and the suspension of the persons so appointed, until the cause of suspension shall be judged of and considered by this board. The county boards are specially charged by the Act "with the well-ordering and discipline of their several prisons;" and, therefore, become responsible for the manner in which they are constructed and managed, and due discipline observed.

Limitations of powers of County Boards.

In their proceedings in the regulation and discipline of their prisons the county boards are, of course, like this board, to be guided by the directions contained in the Act, as to separation, labour, moral and religious instruction, and the mode of constructing, warming, and ventilating the separate cells. They are further subject to the observance of all rules and orders made by us, and authorized in manner before mentioned. And in their proceedings generally, they are subject to the directions of this board, to whom they are required to furnish all such information as to their proceedings as this board may frou time to time require.

The general board and the county boards being thus established, and their powers being directed by the Act to commence on 1st July, 1840, all the existing § 18.
authorities are, on the one hand, from that date, relieved of their obligations, duties, burdens, and liabilities, relative to the building, maintenance, and management of prisons, and the aliment, discipline, and escape of prisoners then imposed upon them by any law, statute, or usage. Provision, however, is made to save the validity of what may have been done previous to the said date by existing authorities, and of *bonâ fide* contracts then current. On the other hand, on 1st July, § 20.
1840, the county boards, established under the Act, come into possession of all the then existing prisons of every description, comprehending every gaol, bridewell, house of correction, penitentiary, lock-up-house, or other house or place in which persons may be legally confined as civil or criminal prisoners. They are also entitled to be put in possession at that date, or as soon as possible thereafter, of "all other heritable or moveable property, monies, goods, and effects, then vested or remaining in the hands of the commissioners, magistrates, trustees, or other persons, under any Act of Parliament, or under any law or usage for the purpose of building, repairing, or maintaining prisons, or supplying aliment to prisoners, in so far as such property, monies, goods, or effects have been and are in their hands, or may be recovered by them for the aforesaid purposes."

Assessments.

III. To enable the general and county boards to carry the powers thus vested in them into execution, certain assessments are authorized to be levied. These are § 35.
for four separate and distinct purposes. 1. An assessment not exceeding 2000*l.* a-year during the currency of the Act, is authorized to be levied to assist in defraying the expense of converting the buildings at Perth into a general prison, and for furnishing and completing the same. The sum of 10,000*l.* is also to be paid out of the Consolidated Fund of the United Kingdom to this board for the same purposes. The assessment of this sum of 2000*l.* is directed by the Act to be apportioned among the several counties, including the burghs situated therein, according to a scale of proportions of assessment, to be framed on a combined estimate of the amount of population and crime in such counties. This board are therefore "authorized and required, as soon as may be after the passing of this Act, to ascertain and determine, as nearly as may be, such relative population, and also to ascertain and determine, in such way as they may think most just, the amount of crime in each county, and the said board shall frame a scale of proportions of assessments for the several counties, according to a combined estimate of such population § 36.
and crime." 2. Another assessment is authorized for building, altering, and repairing local prisons. This is to be defrayed exclusively by the counties wherein the prisons requiring to be built, altered, or repaired are situated. No county is to be assessed for this purpose unless its prisons are in such a situation as to require it, and if this should be the case the funds to be raised are to be expended wholly within the county. A limit is also imposed on the power of the general board with regard to the amount of this assessment, which, unless with the express consent of the authorities of each county, shall not, in any one year, exceed the amount in which the county would be liable "on the footing of the sum of 10,000*l.* being assessed for the year upon all the counties in Scotland in the same manner as the said sum of 2000*l.* is herein ordered to be assessed." That is, the assessment for this purpose cannot in any county exceed five times the amount of that county's proportion of the sum of 2,000*l.* for building the Perth prison, unless the county shall expressly consent to raise a further sum themselves. 3. A third assessment § 37.
is authorized for the current annual expenses of the general prison at Perth, including the expense of transmitting prisoners to and from the said general prison, the expense of aliment of prisoners while there, and all the expenses of this board, except the salary of the secretary, which is paid by the public. For the year 1840

this assessment is fixed at 5,000*l.*, to be imposed on the same scale of proportions as the assessment of 2,000*l.* for building Perth prison; and any surplus which may remain over after paying the expenses of the present year are to be applied to the same purposes in the next. After the year 1840 the sums requisite for this third object of assessment are to be levied on the several counties, including the burghs therein, "according to a proportion corresponding to the number of prisoners which shall be ascertained to have been sent to the said general prison from such counties respectively in the preceding year, and the duration of imprisonment of such prisoners." 38. 4. The fourth purpose of assessment is for the current annual expenses of the several local prisons. This is left wholly to the counties themselves, and is to be defrayed by each county, including the burghs situated therein, according to the amount of the expenses of the preceding year,—such amount being determined from year to year by the county boards, at a meeting to be held by them in the month of September annually.

It thus appears that, except for the present year, the only assessment under the Prisons Act for purposes not strictly local, according to the scale of proportions framed by this board on a combined estimate of population and crime, is the annual sum not exceeding 2,000*l.* for building Perth prison, which may endure for 10 years. In the present year, the additional sum of 5,000*l.* is to be levied on the same scale of proportions, for the expenses of the general board; but, as already explained, these expenses are afterwards to be defrayed on a different rule of assessment, being according to the number of prisoners sent from the several counties, and the duration of their imprisonment. The assessment for local prisons is also, indeed, to be imposed on the several counties, on the footing of a certain definite sum being levied according to the table framed on a combined estimate of population and crime; but this is merely a mode of limiting the power of this board with respect to the amount of assessment. Being strictly for local purposes, and only to be raised if necessary, it is obviously of no consequence to any county, according to what scale of proportions, with respect to other counties, this assessment be raised. It is therefore, in truth, to be levied, not according to any scale of proportions relatively to other counties, but according to the wants of each county; the general board, however, being limited by reference to the scale in their power of supplying these wants. The fourth head of assessment for the current annual expenses of local prisons is left altogether to the regulation and in the hands of the commissioners of supply, magistrates of burghs, and county boards, subject only to the review and direction of this board.

Mode of raising Assessments.

In reference to assessment, the kingdom is divided into "landward parts of counties," and "burghs;" the former being held to mean the counties, exclusive of the burghs situated therein; and the latter including the cities, burghs, and towns which are royal burghs, or which send or contribute as burghs to send a Member to Parliament, their boundaries being held to be those specified in the Reform Act; and where not so specified, being determined by the local authorities. Of this class of burghs there are, in all, 84 in Scotland, reckoning Maxwelltown as a burgh separate from Dumfries, which is necessary in the construction of the Act.

Division of Assessments. § 39.

All assessments to be imposed upon the counties are to be apportioned upon and divided between the burghs and landward parts of counties, according to the relative population of such burghs and landward parts respectively; and we are to give notice, on or before the 15th day of April in each year, to the convener of the commissioners of supply in each county, and the chief magistrate of each burgh, of the whole sums or proportions to be levied annually on the burghs and landward parts of the counties respectively.

Mode of assessing in counties. § 41.

In counties, the assessments are to be raised by the commissioners of supply, who may do so in one of three ways. 1. They may take the method which was adopted in the Act of 1819 before referred to, and copied from that Act into the present; namely, they may assess all property contained in the valuation books of the county, according to the valued rent, and all houses, shops, warehouses, mills, and manufactories within the landward part of the county, and also all land within such landward part not valued in the valuation books, according to the annual value of such houses and lands. The proportion in which the assessments are to be thus raised on the valued rent of land, and the annual value of houses and land not comprehended in the valuation books, is to be fixed by holding a pound Scots of valuation to be equivalent to a pound sterling of present annual value; or, as it is expressed in the Act of 1819, and repeated in this Act, "for every five pounds Scots that shall be assessed on every hundred pounds Scots of the valued rent of property there shall be assessed the sum of one penny sterling on every pound § 42. sterling of the annual value of such houses and land." Or 2. The commissioners of supply, if they should think proper, may resolve, at one of their usual meetings, after due notice, to raise the assessments "according to the real annual value of the whole lands, teinds, fishings, mills, mines, minerals, lime-works, brick-works, iron-works, factories, and manufacturing establishments, coal-works, quarries, canals, railways, houses, buildings, and pertinents situated in the landward part of such county;" for which purpose they are authorized to make a valuation of all such property. Or 3. They may levy the assessments in any other manner in use in the county for any general assessment thereon, for any public purpose that may appear to the commissioners of supply to be more equitable and convenient; the mode of assessment to be proposed to such meeting being publicly notified in the § 44. requisition and advertisement calling the same. There are special provisions in the Act, regarding the assessment on the counties of Orkney and Zetland, and Ross and Cromarty; and it also contains regulations as to the definition of annual value, the assessment on canals and railways, and the liability of the landlord for the assessment in counties, but giving power at the same time to levy the same from the tenant, leaving to him to deduct the amount from his rent.

In Burghs.

In burghs, the levying of the assessments is committed to the magistrates and council of each burgh, who are directed to assess the amount on the annual value of property within the same. They may do so in three different modes. 1. They § 46. may lay on and collect, or direct the laying on and collecting of the assessments with any municipal or police or general assessment with which they may deem it most expedient that the sums apportioned on their several burghs should be laid on and collected. Or, 2. In any burgh, or part thereof, in which there may be no § 47. municipal or police, or other general assessment, or where it may appear to the magistrates to be inexpedient to levy the assessment for prisons along with any other existing assessment, they may levy the same on the annual value of property within the burgh in such manner as they may think just, and for this purpose, the necessary powers of valuation and assessment are committed to them. Or, 3. In § 49. any burgh in which the free yearly proceeds of the common good, property, and revenues may be judged by the magistrates to be sufficient to pay the sum, or any part thereof, annually apportioned upon the burgh, after defraying ordinary municipal and police charges, and other annual burdens chargeable on the common good, property, or revenues, including the interests of debts due by the burgh, "it shall be competent to the magistrates thereof to pay so much of the sum so apportioned on such burgh as is due by that part of the burgh entitled to such common good, property, and revenues." The assessments in burghs are to be payable, one half by the landlord, and the other half by the tenant, with power, however, to levy the whole from the tenant, leaving to him to deduct half from his rent.

Power to borrow. § 53.

Full power is given in the Act, both to this board and to the county boards, from time to time to borrow money on the security of the property and assessments vested in the said boards, and to be raised by virtue of the Act.

Other general provisions of the Act.

IV. There are several other important provisions in the Act, effecting changes in the present system, which it may be here proper to notice in this view of its leading features.

Prison fees abolished. § 19.

On 1st July 1840, all fees of every description payable by civil or criminal prisoners to keepers or officers of prisons are abolished.

Burghs relieved from consequences of escape of debtors.

The magistrates of burghs being relieved of their obligations and duties with respect to prisons, and the management of them transferred to others, it necessarily followed that the burghs must be relieved from the liability heretofore thrown upon them for the escape of civil prisoners. This accordingly has been done. But § 18. while it is also provided that the funds to be raised under the Act shall not be liable for the escape of any prisoner, action is expressly reserved against the gaoler for neglect. It will hereafter be matter for the consideration of this Board, to what extent it may be proper to provide by rules made in terms of the Act, for security being found by keepers of prisons, and particularly of those in which civil prisoners are authorized to be confined.

Insane prisoners. § 30.

This board are authorized to make provision "for the proper custody, treatment, and maintenance of criminal prisoners, who, by reason of insanity, or lunacy, may be found by the court to be unfit to be brought to trial, or who may, upon their trial, be found to be insane or lunatic, or to have been so when the offence wherewith they were charged was committed, and who may be detained and subjected to confinement as such." For this purpose, we may either make use of a prison or a portion thereof, or, if we shall think proper, we may contract and agree with the directors of any public lunatic asylum, for the close and safe custody and maintenance of such insane or lunatic prisoners, on such terms as may be agreed upon, and remove them to such lunatic asylum accordingly. All competent right of relief of the expenses thereby incurred against the estate or funds of such prisoners or others, is reserved.

Removal of Prisoners. § 31.

In order to render the prisons of the several counties more serviceable and convenient, this board are authorized either by general rules, or special order, to direct the removal of civil or criminal prisoners from one prison to any other prison situated in the same county. We are also permitted, under certain regulations, to institute proceedings for the removal of prisoners from the prisons of one county to those of another.

Sentence expiring on Sunday. § 33.

When the period, to which a prisoner may be sentenced to remain in confinement, shall expire on a Sunday, such prisoner shall not be released until the day following.

English Prisons Act.

1 and 2 Vic. c. 56.

§ 3.

Besides these provisions of the Scotch Prisons Act, it may be proper here to refer to the analogous English Act, also passed during the last session of Parliament, intituled "An Act for the better ordering of Prisons." This Act, although it does not extend to Scotland, contains various provisions which it will be important for us to keep in view. Like the Scotch Act, it recognises the "individual separation of prisoners" as a measure of discipline which may be properly enforced, in order to prevent the contamination arising from the association of prisoners; and it also contains the same enactment, explaining the meaning of separate confinement, and providing for the size, lighting, warming, ventilating, and fitting up of cells for separate confinement, which is contained in the Scotch Act. It requires the following classification of prisoners in those prisons in which a more minute classification or individual separation shall not be in force, namely—"1. Debtors in those prisons in which debtors may be lawfully confined. 2. Prisoners committed for trial. 3. Prisoners convicted, and sentenced to hard labour. 4. Prisoners convicted, and not sentenced to hard labour. 5. Prisoners not included in the foregoing classes." The English Prisons Act further contains general rules to be observed in every prison in England and Wales, in addition to, and in amendment of, the other rules which shall be in force in such prison. These will, of course, be duly considered by us in preparing rules for the management and discipline of prisons in Scotland.

Proceedings of the General Board in the Year 1839.

A full Report of our proceedings shall now be submitted to your Lordship.

The Act received the Royal assent on 17th August 1839, and Her Majesty's warrant, appointing those members of the board who are not named in it, was issued on the 22d August following.

As required by the Act, we held our first meeting at Edinburgh on Wednesday the 11th day of September 1839, the Right Honourable the Lord Justice-General taking the chair, as the member of the board first named in the Act. At that meeting fourteen members of the board were present, the other five members being necessarily prevented from attending, by being then engaged at a distance from Edinburgh in the performance of public duties. Our next meeting was held on Friday, the 20th day of September following, when we unanimously chose the Right Honourable the Viscount Melville, K.T., to be permanent chairman of the board. Various other meetings were thereafter held; and in the course of our deliberations it was early found to be necessary to appoint a committee of the board, in virtue of the special power conferred upon us to that effect, to prepare rules for the proper discipline of the prisons, and, as necessarily connected with that subject, to consider as to the plan on which the Perth prison ought to be built. The committee consisted of the following members:—

Chairman.

The Marquess of Breadalbane,
The Earl of Rosebery,
The Viscount Melville,
Sir William Rae, Baronet,
The Lord Advocate,
The Solicitor-General,
The Dean of Faculty,
John Shaw Stewart, Esquire,
Alexander E. Monteith. Esquire,
Adam Anderson, Esquire,
Graham Speirs, Esquire,
Frederic Hill, Esquire;

of whom three were appointed to be a quorum, and the Lord Advocate, or, in his absence, the Solicitor-General, to be convener.

It would probably be an inconvenient course to detail to your Lordship the successive meetings and proceedings of this general board and of the committee. It is judged better to report separately, and in their order, the various subjects which have engaged our attention and that of our committee. The following, however, is a statement of the meetings held by the board and committee, which were all very fully attended by the several members:—

Meetings of Board and Committee.

MEETINGS OF THE GENERAL BOARD.

Wednesday, 11th September, 1839.
Friday, 20th September, ,,
Wednesday, 23d October, ,,
Wednesday, 27th November, ,,
Monday, 16th December, ,,
Wednesday, 18th December, ,,

MEETINGS OF THE COMMITTEE ON RULES AND PLANS OF PERTH PRISON.

Friday, 18th October, 1839.
Monday, 22d October, ,,
Wednesday, 30th October, 1839.
Saturday, 9th November, ,, (at Perth)
Monday, 25th November, ,,
Wednesday, 4th December, ,,
Tuesday, 10th December, ,,
Monday, 16th December, ,,
Friday, 27th December, ,,

Plan of General Prison at Perth.

I. One of our earliest and most important duties was to consider and determine upon the plan according to which the general prison at Perth was to be built. The buildings at Perth, formerly used as a depôt for French prisoners, were, in terms of the Act, directed by Her Majesty in Council to be conveyed to us by the principal officers of the Board of Ordnance, and a conveyance was made accordingly. These buildings were erected about 33 years ago, on a space of ground extending to a little more than eight imperial acres. They are situated nearly half a mile from the city of Perth, and on the banks of the Tay. The ground is dry and flat, is not overlooked by any other ground or buildings, and the situation is extremely salubrious. The accompanying plan will exhibit the extent of ground and the nature of the buildings at the time they became the property of the board. It will be observed that there is a boundary wall surrounding the whole ground, two dwelling-houses for a governor and chaplain, or other principal officers, besides numerous other dwelling-houses for subordinate officers, together with cooking-house, washing-house, and other offices. The buildings which had been used for the confinement of French prisoners were five in number, extending in lines nearly parallel to the circumference of the boundary wall, and marked on the plan, sections Nos. 1, 2, 3, 4, and 5. There were also two large buildings similarly situated, which are marked on the plan, hospital No. 1, and No. 2.

App. IV.

System of Discipline.

Separate System adopted.

It became essential, in considering the plan of building the prison at Perth, to determine, in the first place, the general system of discipline to be adopted by the board. This subject was accordingly brought under their deliberation, and after being fully discussed, it was resolved, "That in preparing the plans for the construction of the buildings to form permanently the general prison at Perth, it is expedient that the buildings be adapted to the separate system, it being understood, that in passing this resolution, the board does not mean to express any opinion as to the particular mode of treating juvenile offenders."

Instructed by this resolution, the committee on rules and plans proceeded with the consideration of the plan of the buildings to be adopted in the erection of the general prison. It was their earnest desire to make the buildings, as they stood, available as a prison under the Act, or, at least, to render them so at as little expense in altering their structure as possible. To this, accordingly, the first efforts of the committee were directed. They had before them plans which had been prepared, in 1837, by Mr. Thomas Brown, architect, on the instruction of the Secretary of State, in which the buildings, as they stood, were adapted to the purposes of a prison, with little more than internal alterations. In order to attain fuller knowledge of the subject, the committee, at the request of this board, visited and inspected the buildings; and after much deliberation, and the most anxious desire to avoid incurring unnecessary expense, the committee came to be unanimously of opinion, that, considering the construction and situation of the buildings which had formerly been used as a prison, it would be expedient to remove them, and to erect a prison on the radiating plan, on the site which they occupied. They, therefore, reported their opinion to the board, that while the governor's and chaplain's houses, with the accommodation for inferior officers, and the kitchen and other offices, would be perfectly serviceable, with little alteration, the sections numbered on the plan 2, 3, and 4, ought to be removed, and that in the mean while two buildings radiating from a point in the centre, and containing accommodation for about 400 prisoners on the separate system, ought to be forthwith erected on their site, leaving space for other two similar buildings to be hereafter erected, if required. This opinion being fully considered by the general board, was unanimously approved of. Mr. Brown, who had been appointed by the board to be their architect for Perth prison, was accordingly instructed to prepare plans in conformity with the resolution of the board. This was done, and the plans were thereafter approved of by the board, and a remit made to the committee on rules and plans, to take the necessary steps for carrying them into effect, with power to make such alterations in matters of detail as to them might seem proper. The plans thus adopted by us are herewith reported and referred to, together with a relative explanation by the architect.

adiating plan of building adopted.

App. V. Nos. 1—5.

Consideration of subject of Discipline.

The two important resolutions thus adopted by us in favour of the separate system, and the radiating form of prison architecture, were agreed to after full deliberation and a review of the various authorities on the subject. It seems proper, therefore, here to offer some explanation on the subject of prison discipline, and to refer to the reasons and authorities in favour of the separate system.

Separate and Silent Systems.

There are two systems of prison discipline, which are severally recommended in those countries in Europe, in which attention has been paid to the subject, and in the United States of America,—the one usually called the "separate system," and the other the "silent system." The former, as now generally practised, and as required by the Legislature of this country, if enforced in Great Britain, contemplates the individual separation of prisoners by day and night, in cells of sufficient dimensions for health, and properly warmed and ventilated, accompanied with labour and religious and moral instruction. It is the system commonly known on the continent of Europe as the Philadelphian system, from having been practised on a large scale, and with much success, in the Eastern Penitentiary of the state of Pennsylvania, situated at Cherryhill, about a mile from the city of Philadelphia. This celebrated prison has attracted the notice of all who are interested in the subject of prison discipline, and full details in regard to it are contained in the reports of Mr. Crawford, MM. De Beaumont and De Tocqueville, Dr. Julius and MM. De Metz and Blouet, on the prisons of America. It is not, however, the only prison in the United States conducted on this system. It was opened for the reception of prisoners only in the year 1829, and already its success has been so great as to have induced the erection of several other prisons on the same system in other states. The Home Inspectors, in their Third Report, in 1838, mention various prisons on the separate system as being then either constructed, or in the course of erection, in the states of Pennsylvania, New York, Rhode Island, New Jersey, and Missouri. The same system has been introduced in Europe, and from the recommendation it has received from the inspectors authorized by the governments of Great Britain, France, Belgium, and Prussia, it appears to be likely to make rapid progress. It is proper, however, to notice, that there is no peculiar novelty in the general features of this plan, nor any just ground for holding that America has any claim to originality in the introduction of the system. It will appear, on referring to the authorities on the subject contained in the Appendix, that it was recommended in nearly all its present completeness in England, and even sanctioned by the Legislature of this country, more than 60 years since; and its main principles were in force at the Gloucester Penitentiary more than 40 years ago. Scotland also has a claim to distinction on this ground, as the separate system was in force in the Glasgow Bridewell some years before the opening of the Penitentiary of Philadelphia. Mr. Crawford states, in his report on the American prisons, that "the Eastern Penitentiary is, in fact, with some trifling difference in its arrangements, but a counterpart of the bridewell at Glasgow, a prison which was in operation five years before the erection of the prison at Philadelphia."

Page 14.

What is usually termed the "silent system," on the other hand, is that which is in practice at Auburn, in the state of New York,—a prison, the celebrity of which has currently given its name to the system. It is also practised at the well-known prison of Singsing, which is likewise established in the state of New York;—and it has been pursued for many years at the Maison de Force at Ghent, although the separate system has also lately been introduced into that prison. According to the silent system, as usually observed, the prisoners sleep in separate cells, which are generally of small dimensions, and are made to work in company in classes, during the day, under a strict enforcement of silence, with a view to cut off all opportunities of intercourse. This enforced silence, if produced at all, cannot be effected without the strictest discipline, and the greatest frequency and severity of punishment. Corporal punishment is frequent in America in prisons thus conducted, and precautions by means of guards with loaded fire-arms, are resorted to, in order to quell insubordination and prevent escape. The prisoners necessarily see and know each other, and it is impossible to prevent communication by signs and whispers, whereby it is found that they hold a certain degree of intercourse, and obtain knowledge of what is passing within the prison, and even to some extent beyond its walls. This system, however it may be applicable to convicted prisoners, is obviously inapplicable to those who are untried.

It was between these two systems that we were called upon to choose; and in determining in favour of the separate system, we were much influenced by the opinion of one of our own members, the Inspector of Prisons in Scotland, who strongly recommends it, as well as by the reasons and authorities which are to be found in the works of various distinguished men, who have publicly stated their opinions on the subject. In particular, we would beg to refer to the Third Report of Messrs. Crawford and Russell, the Inspectors of Prisons for the Home District, presented in 1838, as containing a very full and able argument on the whole question of prison discipline. They there show what are the features and characteristics of a sound system of discipline, and that these are possessed by the separate system. At the same time they state the strong objections which occur to the use of the silent system. In these reasonings the Home Inspectors are supported by a very high authority, both in this country and in other parts of the world. We annex, in an Appendix, extracts from the Home Inspectors' Third Report, with a reference to the opinions of individuals of the highest eminence and authority in favour of the separate system, and to various works in which the subject is discussed.

Reasons and authorities for Separate System. App.VIII.

Progress of Separate System in England.

In addition to the authorities to which we have thus referred, and the practice of various countries in favour of the separate system, we observe, from the Report of the Home Inspectors for the year 1838, that the separate system, which has already been established for a number of years at the National Penitentiary at Millbank, and elsewhere in England, is continuolly receiving the assent of many local authorities, and is making rapid progress in that part of the United Kingdom. Plans for the construction of prisons on that system have been recently furnished by the Home Inspectors at the request of the authorities for Bath, Leeds, Hereford, Richmond in Yorkshire, and Scarborough, for the new prison at Clerkenwell, and for the enlargement of the house of correction at Brixton. Subsequent to that report, the separate system has made still further progress in public opinion. It has been legalized by the Legislature in the English Prisons Act of last session of Parliament, 2 and 3 Victoria, c. 56, and authority has been given to erect a model prison, on the separate system, at the national expense.

Glasgow Bridewell.

In further proof of the advantages of the system of discipline which we have thought proper to adopt, we cannot avoid again pre-eminently referring to the bridewell of Glasgow as being to us a practical illustration of the benefits of the system. In a country which, according to the authorities we have referred to in the early part of this Report, appears to have been hitherto distinguished for bad prisons, an exception to the general rule, not less distinguished, has been created by the good sense and intelligence of its managers, and the merits of the system which they have practised. There are, besides, a few other prisons in Scotland, in which the recent practice of the same system, introduced upon the recommendation of the inspector of prisons, has begun to produce the most salutary effects; and in particular, relying on the reports of the inspector, we may refer to those of Aberdeen bridewell, and Ayr. The bridewell of Glasgow, however, has acquired a reputation, not in Scotland alone, but throughout Europe, for its discipline and management, and the beneficial effects produced on its prisoners. For a course of years, antecedent even to the establishment of the celebrated Eastern Penitentiary of Philadelphia, the name of which has been, by continental writers, conferred on the system, the managers of the Glasgow bridewell have pursued the course which the later experience of other countries, and the opinions of the highest authorities, as well as the confirmed judgment and experience of its own managers, pronounces to be the best. To us, in particular, this gratifying circumstance affords both authority and encouragement, as it tends to show that the system which we find most strongly recommended by reason and authority, and the experience of other countries, is also found to be well adapted to the dispositions, habits, and circumstances of prisoners in Scotland.

Radiating Plan of Architecture.

The adoption of the separate system, in our opinion, necessarily led to the construction of the general prison at Perth, on the radiating plan of prison architecture. The superiority of this form of constructing prisons over all others which have been devised for the purpose of carrying the separate system into complete effect, is acknowledged by nearly all the authorities to which we have referred in support of that system. It unites security and facility of access to all its parts, with simplicity of outline and economy of construction, affording at the same time the utmost convenience for carrying on the discipline of the prison with a limited number of officers, and the means of effectual superintendence and control on the part of the governor. Upon this point it is quite unnecessary that we should enlarge; and, indeed, the opinion of the authorities is so clear and conclusive, that it will be readily admitted by all who are conversant with the subject, that, having adopted the separate system, the prison ought to be constructed on that plan. In particular, it is strongly recommended to their several Governments, as the fittest, most convenient, and most economical mode of adapting prisons to the separate system of discipline, by MM. de Metz and Blouet, Ducpetiaux, and the home inspectors, and is actually the plan of those prisons, in America and elsewhere, in which the separate system has been most successfully conducted. However desirous, therefore, we were to avail ourselves as far as possible of the existing buildings at Perth, we found that their situation precluded our doing so. But, besides their situation, the narrowness of these buildings would alone have rendered it nearly impossible to use them in the construction of separate cells, without great expense. They were too narrow to admit of a gallery or corridor being carried along the centre of each story, with a row of cells on each side of the corridor; and therefore it would have been necessary either to have had only one row of cells on each story, at a great sacrifice both of building and attendance, or to have erected an additional building parallel to the sides of each of the existing sections, in order to obtain a double row of cells. Upon the whole, therefore, we feel satisfied that, in the course which we have adopted, we have commenced the construction of this great general prison on the best possible plan of architecture, and with due regard to economy.

We have already referred your lordship to the plans to be found in the Appendix, on which the prison at Perth is proposed to be constructed, and to the explanation thereof furnished by Mr. Brown. There are, however, one or two details with regard to them, on which we think it proper to say a few words.

Circular Corridor.

In one particular, which will be obvious on inspecting the plans, we have departed from the usual radiating plan, and therefore it is proper that we should advert to it. In the model prison on the separate system, recommended by the home inspectors, and for the erection of which a grant has lately been made by Parliament, as well as in the prisons on the same system in America, which are approved of by the inspectors-general of France, Prussia, and Belgium, there is, at the central point from which the several wings of the prison diverge, a large hall, forming a general point of observation along the corridor of each wing. This central hall we have dispensed with; and, instead of it, we propose to have, as the plans show, a circular corridor running between the converging ends of the prison wings. This course has been adopted for various reasons, some of which may be shortly adverted to. 1. There is already, on the central point from which the radiating wings must diverge, a large and substantial building, called the tower, containing much accommodation, suitable, with little alteration, to our views; but the adoption of the central hall would have required the removal of this tower and the erection of the hall on its site, which would have been productive of very considerable expense. 2. The circular corridor affords means of observation nearly equal to that given by the central hall, especially so long as the extent of our prison shall be limited to two wings. It possesses the further advantage of leaving the corridor open to the outward air at the converging as well as the diverging end; and, as there will be large windows at both ends of the corridor, the means of extensive admission of atmospheric air, when required, can more readily be obtained. 3. It is quite consistent with this plan to remove the present tower, and to erect the central hall hereafter, if it should ever be thought proper to do so.

Chapel.

The provision of religious instruction to the prisoners formed a leading and important subject for our consideration. We observe from the various Reports, that, in the prisons in America, constructed on the separate system, it is usual to give religious instruction to each prisoner only in his own cell; that they are not assembled together for religious worship; but that a mode of preaching in the corridor or gallery of the prison is in use, each prisoner remaining in his own cell, without seeing the clergyman, and unseen by him, and catching the sound of his voice only through a small opening in his cell door. We do not undervalue the great importance of maintaining the entire separation of the prisoners; on the contrary, we think this to be most essential to the efficacy of the system and the reformation of the criminal. But, after full deliberation on the subject, we came to the following resolution:—"That, in the preparation of any plans which may be finally adopted for the prison at Perth, it is proper that provision be made, by means of a chapel, for assembling the prisoners on Sundays for divine worship, under such regulations, and with such arrangements for individual separation and complete security as may appear to be satisfactory and adequate." The architect was accordingly instructed to comprehend a chapel in his plan; and it will be perceived that a chapel is proposed to be fitted up in part of one of the buildings formerly used as an hospital. The details on this subject are not yet fully matured; but it is proposed that the prisoners shall be separately conducted along a passage secured on each side with iron rails to the door of the chapel; that they shall then be placed on a level floor, in separate stalls, fenced by partitions of about six feet in height; and that the pulpit shall be at such an elevation as to permit the clergyman to see and be seen by each prisoner. Further means may also be taken, if necessary, to prevent the prisoners recognising each other in going to or returning from the chapel, or while there, such as the use of a cap, extending a grating over the top of the stalls, &c.; but into these details it is unnecessary to enter. We trust that we shall be enabled to secure to the prisoners the benefit of public worship, without any violation of the discipline which we are so anxious to maintain. We are quite aware, however, that it is not by this means alone that effect is to be produced on the minds of the prisoners; but that it must be by the active, intelligent, and conscientious exertions of the chaplain, assisted as he will be by other teachers, applied to the individual prisoners in their own cells, that the greatest amount of religious and moral improvement will be obtained.

Ventilation and warmth.

The plans will also exhibit the mode in which we propose that the prison should be ventilated and warmed. On this point we had the benefit of the advice given by the Home Inspectors in their Third and Fourth Reports on the authority of several persons eminent for their knowledge of the subject. We have had the further advantage of obtaining the opinion of Dr. D. B. Reid of Edinburgh, whose thorough acquaintance with everything regarding this matter is universally acknowledged. It is with his advice that we have acted, and we beg to refer to his Report for a description of the mode of warming and ventilation. Appendix VII.

Sick Prisoners.

It will be observed that no provision is as yet made for an hospital. In each wing of the prison, however, there will be separate cells placed in the vicinity of each other, and constructed in such a manner as to be properly adapted to the situation of sick prisoners.

Construction of Table of Assessment of 2,000*l*.

II. Another subject of much interest which early occupied our attention was the construction of a Table of Assessments on the several counties, according to a combined estimate of population and crime in each. In the outline already given of the leading provisions of the Act, the purposes of the several assessments, and their incidence on the counties and burghs, have been sufficiently explained. One of these assessments is of a sum not exceeding 2,000*l*. annually on the whole kingdom for ten years, for the purpose of assisting in the erection of the general prison at Perth, for which purpose the sum of 10,000*l*. is also directed by the Act to be paid out of the Consolidated Fund. In order to the apportionment of this yearly sum, not exceeding 2,000*l*., we are required, as soon as may be after the passing of the Act, to determine, as nearly as may be, the amount of population in each county, and also the amount of crime in each county, in such way as we may think most just. Having made these estimates, we are directed by the Act, first, to calculate § 35.

what each county would have to contribute if the assessment depended on population alone, and then to calculate what each county would have to contribute if the assessment depended on crime alone, and the half of the two amounts shall be the sum to be paid by each county, including the burghs situated therein, of this assessment.

Population.

In ascertaining the population of the several counties, there was little room for doubt or difference of opinion, as to our course of procedure. No authentic materials exist for this purpose, except the Parliamentary census taken in 1831. To the enumeration of the population contained in that census, therefore, we had recourse in determining the population; and a calculation was accordingly made of the proportion of the sum of 2,000*l.*, which each county would have to pay if the assessment depended on this view alone.

Crime.

It was a matter of greater difficulty to perform the duty assigned to us, of determining the amount of crime in each county. No directions are given by the Legislature as to the mode in which this is to be done. We are merely directed to proceed "in such way as we may think most just," and the performance of the duty is rendered the more delicate and responsible by our determination being declared to be final for the purposes of the Act. Every exertion, therefore, was made to discover the most just mode of estimating crime. We had before us, we believe, every attainable means of arriving at a correct conclusion, and calculations framed according to every variety of view that could be taken. In particular, we think it proper to inform your Lordship, that we examined and analyzed the Tables of Criminal Offenders, annually reported by the Lord Advocate to the Secretary of State, and laid before Parliament, in terms of the Act 1 Will. IV. c. 37, exhibiting the number of persons committed for trial or bailed in each county, the number of persons tried in the several courts, and the result of the proceedings. Tables of Assessment were calculated according to every view exhibited by this analysis, showing what the assessment in the several counties would be if we estimated crime according to such trials before the Court of Justiciary alone, or before that court and the sheriffs with the aid of juries, or before the Court of Justiciary and the sheriffs, with and without juries, or before these tribunals, along with the trials before magistrates of burghs, and justices of the peace, and other inferior magistrates. We thus endeavoured to take every advantage of the information as to the amount of crime in each county, afforded by these authentic Tables, prepared by the proper authorities, and submitted to the consideration of Parliament. But not satisfied with this, we had similar calculations made from various other sources from which crime might be estimated. With this view we took as modes of estimating crime, the average number of prisoners in each county, according to the statement of the Inspector of Prisons; the average duration of imprisonment which would have been suffered by the convicts in each county, according to the sentence, where it was imprisonment, and according to the established rule for commutation of the sentence into imprisonment, where it was transportation or death: the average payments made from Exchequer for each county towards the prosecution of crime; the average amount of rogue-money paid by the counties for the same purpose; and the number of persons imprisoned in each county, according to a special Return made to the House of Commons in the course of last session, on the motion of the Honourable Captain Gordon. According to all these results, calculations were made, and combined with the calculation made from population. After a very careful consideration of the elements in which the calculations based on the amount of crime were made, and of the comparative justice of the results brought out, we determined on adopting a Table of Assessment, framed upon a calculation made according to the population of the several counties, as shown in the Parliamentary Returns of 1831, combined with a separate calculation made according to the number of persons appearing in the Tables of Criminal Offenders for the years 1836, 1837, and 1838, to have been tried before the Court of Justiciary and the sheriffs, with and without juries. The Table adopted by us is given in the Appendix, and to it we beg to refer for information. App. IX.

Imperfection of means of calculation.

In adopting this Table we are sensible that there may be inequalities in its incidence on some of the counties; but at the same time we are convinced that, although it may be hereafter rendered more just and equal, our resolution was the best which, in our situation, and with our means of information, we could come to. As respects population, we believe that since 1831 variations may have taken place in the comparative population of the several counties. With respect to crime, we are aware that the actual number of crimes committed in a county may in reality be different from what any of the elements of calculation within our reach exhibit. The number of persons tried, convicted, or imprisoned, and the amount of money expended in the prosecution or punishment of criminals in the several counties may vary, not only with the comparative amount of crime, but also with the efficiency of the police in those counties. This is a source of error applicable to every such mode of estimating crime, seeing that the estimate must necessarily be made only according to what is apparent. But, further, while we are convinced of the general accuracy of the various authorities from whose Returns the Tables of Criminal Offenders are compiled, and of the honest desire of all of them to perform a somewhat embarrassing duty in a correct and uniform manner, we think it possible that there may be a want of uniformity either in the practice in the different counties, or in the mode of making the returns. We cannot otherwise account for some of the results exhibited in several of the other Tables laid before us, as well as in that which we have adopted, and which are at variance, to a greater or less extent, with the common understanding, and, we may add, with our own, as to the proportions in which such an assessment ought to have fallen on some of the counties as compared with others. We conceived, however, that we were not entitled to adopt any arbitrary rule, but were bound to take the result of calculations deduced, on one uniform principle, from authentic materials. We also judged it to be advisable, considering that we are required to perform this duty as soon as may be after the passing of the Act, and the nature of the duty itself, not to require any special information to be laid before us on the subject, but rather to avail ourselves of existing materials prepared without any view to such consequences being derived from them. Notwithstanding such discrepancies, therefore, we chose that Table from amongst all the others before us, because it seemed to us to be framed on the most sound principles, and, upon the whole, to produce the most just result. Examples of the discrepant results to which we refer, are sufficiently obvious, and we need not go further into detail on the subject. We are satisfied that, although there are inequalities in this Table of Assessment, there must have been so in any Table which, with our means of information, it would have been possible to construct, and that, in adopting this one, we have taken all due means to attain justice.

The amount of assessment imposed on this principle is indeed small, although certainly this could not be stated as any excuse for inaccuracy or injustice. In addition to the 2,000*l.* to be thus levied for ten years, there is the further sum of 5,000*l.* for our general expenses, and the current annual expense of Perth prison, to be assessed upon the whole kingdom, according to the same Table, during the present year. In subsequent years, however, as formerly explained, this assessment is to be levied on a different principle. The proportion in which the Table allocates assessment on the several counties, is also assumed by the Act as a mode of limiting us in our power of assessing for building local prisons; but, as already explained, the reference thus made by the Act, to that mode of assessment, has no other effect than such limitation, and cannot be said to operate as the imposition of assessment, according to that principle. The result therefore is, that the incidence of assessment on the whole kingdom, according to the Table framed on a combined estimate of population and crime, is limited to 7,000*l.* for the year 1840, and to 2,000*l.* during the subsequent years of the existence of the Act. The annual value of real property assessed to the property tax in Scotland, in 1815, is stated, in the Parliamentary Returns, to have been 6,652,655*l.* Assuming this to be its present value, the larger of these sums to be raised during this year amounts only to about one farthing in the pound of the annual value of real property, and the smaller, to be raised in subsequent years, is less than one-twelfth of a penny.

Suggestion of power to alter Table.

We cannot conclude this subject, however, without suggesting to your lordship, that power should be given to us by the Legislature to alter the Table of Assessment now adopted after the next general census of population shall be taken. We make this suggestion, not only with reference to the better construction of the Table of Assessment, but also in order to the more correct apportionment of the several assessments authorized by the Act, between the landward parts of counties and the burghs; as we trust that means will be adopted in taking the next general census to ascertain the population of the several burghs. This leads to a separate subject of deliberation, on which we shall now report our proceedings.

Apportionment of Assessments.

III. The sums to be assessed in each county, including the burghs therein, are to be apportioned upon and divided between the burghs and landward parts of the counties, according to their relative population. We are authorized to ascertain and determine, as nearly as may be, such relative population; and we are directed to give notice to the conveners of the commissioners of counties, and to the chief magistrates of burghs, of the whole sums or proportions to be levied annually on the burghs and landward parts of counties respectively. This notice is to be given by us on or before the 15th day of April yearly. In order to enable us to perform this branch of our duty, it became necessary that we should ascertain the population of the landward parts of counties, and of the several royal and parliamentary burghs, according to their boundaries, as fixed by the Reform Act; and, where these were not so determined, that an agreement should be made in regard to them by the local authorities. No authentic materials existed for this purpose. The only authentic record of the population of the kingdom is contained in the Parliamentary census of 1831. But, in that census, the population is enumerated parochially, and no distinction is made between those parts of parishes situated within burgh, and the parts situated to landward. It therefore became necessary for us, taking the census of 1831 as the basis of our inquiries, to determine what portion of the population of each parish within which a royal or parliamentary burgh was situated pertained to the burgh, and what portion pertained to the landward district of the county in which the burgh was situated. For this purpose we directed the following queries to be transmitted to the ministers of the several parishes comprehending any part of those royal or parliamentary burghs, the boundaries of which were determined by the Reform Act, together with a landward district.

" 1. Does the parish of , stated in the census of 1831 to contain a population of , comprehend the whole of the burgh of according to the boundaries thereof determined by the Reform Act?

" 2. If not, within what other parish or parishes is any part of the said burgh situated?

" 3. Is there any landward district of the said parish lying beyond the Parliamentary boundaries of the said burgh?

" 4. Of the above stated population, what portion may be supposed to have belonged, in 1831, to the present Parliamentary boundaries of the said burgh? and what portion to the landward district beyond those boundaries?

" 5. If there is any part of the said burgh, according to the Parliamentary boundaries thereof, situated beyond the said parish, what may be supposed to have been, in 1831, the population of such part of the burgh?

" 6. What is the population of the whole of the said parish according to any census or means of information more recent than the census of 1831, distinguishing the respective populations of the said burgh, acccording to the Parliamentary boundaries thereof, and the landward district of the parish?"

We received ready and satisfactory answers to these queries. We also suggested to the local authorities the determination by them of the boundaries and population of those burghs whose boundaries were not fixed by the Reform Act, and agreements have accordingly been entered into in manner authorized by the Act, fixing the boundaries and population of all these burghs.

Towards the close of last year, we appointed a committee of our number to consider tables of population of the landward parts of counties, and of the Royal and Parliamentary burghs, framed from the information thus received and the agreements entered into; and also to consider as to the apportionment of assessments under the Act to be made according to such tables of population.

This committee consisted of the following members:—

The Earl of Dalhousie,
The Earl of Rosebery,
The Viscount Melville,
Sir William Rae,
The Lord Advocate,

of whom two were appointed to be a quorum, and the Lord Advocate, convener. The committee having met and censidered the information and agreements as to the population of the Royal and Parliamentary burghs, showing their population as in 1831, and by deduction of such population from that of the counties in which they were severally situated, showing also the population of the several landward parts of counties, directed a relative table to be calculated exhibiting the apportionment of assessments thereon, according to their population. This was accordingly done; and the table being reported to the board by the committee, was approved of. The table is hereto appended and referred to. It will be observed that it contains the apportionment of three assessments: 1st, of the sum of 2,000*l.* for building Perth prison; 2dly, of 5,000*l.* for the expenses of the general board for the year 1840; and, 3dly, of the sum of 10,000*l.*, being the maximum amount allowed to be assessed on the several counties and burghs for building local prisons. There is, however, no apportionment of any assessment for the current annual expenses of the local prisons, as the amount of such assessment cannot at present be determined, being left by the Act to be fixed by the county boards in the month of September annually. It is also to be observed, that although the sum of 5,000*l.* is thus apportioned for the year 1840, for the general expenses of the board, these expenses will, in subsequent years, be apportioned on a different principle; namely, according to the number of prisoners sent from each county in the general prison at Perth, and the duration of their imprisonment.

Table of Apportionment of Assessments, App. X.

§ 38.

County Boards.

IV. In order to the due establishment of county boards, we are directed by the Act to authorize the commissioners of supply of the several counties, and the magistrates of all burghs contributing, or liable to contribute not less than 30*l.*, to be imposed under the Act, to appoint such numbers of persons to form a county board for each county, as to us may seem just and expedient, which numbers are to be divided among the landward parts of the counties and burghs, as nearly as possible in proportion to the amount of assessment to be contributed by them respectively for the purposes of the Act.

This subject was remitted by us to the last mentioned committee. In the performance of the duty thus assigned to them, it became necessary to assume a certain amount of assessment to be imposed under the Act, in order to determine which burghs should have the power of appointing members of the county boards, as contributing, or being liable to contribute, not less than 30*l.* With respect to two of the purposes of assessment,—namely, that for building Perth prison, and that for building local prisons, the Act furnishes the maximum liabilities of the several counties and burghs, being, as already mentioned, 2,000*l.* and 10,000*l.* But with respect to the other two purposes of assessment,—namely, the current annual expenses of the general board, and those of the county boards, the Act supplies no guide according to which any estimate of the liabilities of the counties and burghs could be made, except that 5,000*l.* is directed to be raised for the expenses of the general board during the year 1840. In these circumstances, the sum of 30,000*l.* was assumed as the maximum amount of the yearly assessments to be imposed on the whole of Scotland for the purposes of the Act. The authority for this assumption was the select committee of the House of Commons in 1837 having estimated that sum as the maximum amount of assessment that would be required for all the purposes of prisons in Scotland, and that estimate having remained in the bill unquestioned during the two years in which it was in progress, being at last struck out only because rules of assessment were adopted which did not require the assumption of any such maximum amount. A calculation was then made of the proportion of this sum of 30,000*l.* that would fall on the several counties according to the table of apportionment of 2,000*l.* already mentioned; and the sum falling on each county was divided between the landward part and the burghs according to their relative population.

The committee proceeded with these materials to determine the numbers to be assigned to each county as a board for managing their prisons. These numbers were fixed, 1st, with reference to the extent and population of each county, and the number of prisons dispersed through them, and, consequently, to the amount of supervision required; and, 2dly, to the practical division of the numbers among the landward parts of counties and burghs, according to the proportion of their several liabilities, as pointed out in the 10th section of the Act. The numbers assigned to the several counties were then divided in the manner pointed out, giving a power of appointment to every burgh which was liable to contribute 30*l.*, according to the assumed estimate of assessments to be imposed under the Act, and as nearly as possible a corresponding power of appointment to the other burghs in the same county, if there were any entitled to the privilege, and to the landward part of the county. In those counties which had no Royal or Parliamentary burghs, or none entitled to the privilege of sending members to the county boards, as not being liable, according to the view taken, to contribute so much as 30*l.* of assessments, the whole number was directed to be appointed by the commissioners of supply of the counties. It may here be observed, however, that although the magistrates of several of the smaller burghs have thus no direct appointment of members to the county boards, some of their number are members of the Court of Commissioners of Supply; and, therefore, every Royal and Parliamentary burgh has a certain degree of control in the appointment of these boards. The committee directed a table, exhibiting the result of their deliberations on this subject, to be prepared, showing the population of landward districts of counties and of Royal and Parliamentary burghs, with the amount of assessment assumed for this purpose as falling on each, and the numbers and division of the members of the county boards. That table being prepared, was reported to the general board, and was by us approved of. The table is appended to our report for further information.

Table of Population and County Boards. App. XI.

Insane Criminal Prisoners.

V. We are authorized by the Act, in order that due provision may be made for the proper custody, treatment, and maintenance of insane criminal prisoners, either to make use of a prison, or any portion thereof, for the custody of such prisoners, or to agree with the directors of any public lunatic asylum for their close and safe custody and maintenance, on such terms as may be agreed upon. To put us in possession of sufficient knowledge relative to this subject, we remitted to the Lord Advocate and the Solicitor-General, to inquire and report as to the number of insane criminal prisoners in Scotland, the circumstances under which they are severally imprisoned, and the expense of maintaining and clothing them in a lunatic asylum, or otherwise. With reference to this remit, that committee have directed returns to be made to the Crown agent, which have been received subsequent to the close of last year. Due inquiry has also been made as to the expense of maintaining and clothing such prisoners in a lunatic asylum.

Finance.

VI. We have little to report to your Lordship with respect to our proceedings in matters of finance, no funds having come into our hands during last year.

It is provided by the Act that 10,000*l*, shall be paid to us out of the Consolidated Fund, to assist in converting the buildings at Perth into a general prison, and in furnishing and completing the same. At our first meeting, we directed application to be made to the Lords of the Treasury for payment of this sum; but in answer we were informed, that their Lordships apprehended that the whole sum of 10,000*l*. could not be immediately required, and inasmuch as it was more in accordance with the usual practice under which such grants are issued, and more convenient for the public service, to pay the same by instalments from time to time as the case might require, their Lordships requested that they might be furnished, before the commencement of each quarter, with an estimate of the sum that would be required for the use of the general board in the ensuing three months, and the necessary directions for its transfer would be issued accordingly. We therefore received no part of this sum during the course of last year. But, in compliance with the directions of the Lords of the Treasury, we transmitted to their Lordships, previous to the commencement of the present year, the following estimate by Mr. Brown, contained in a letter addressed to the Secretary:—

"SIR, *Edinburgh, 23d December,* 1839.

"The sum of fifteen hundred pounds will be required by the general board of directors of prisons during the first quarter of the next year, for work to be done in converting the depôt at Perth into a general prison, in terms of the Act 2 and 3 Vict. c. 42.

	£.
For excavations . .	100
For mason-work . .	1,000
For carpenter and iron-work	400
	£ 1,500

"I am, Sir, your most obedient servant,

(Signed) "THOMAS BROWN."

As the assessment authorized by the Act, for defraying the expenses of the general board, will not become payable until the year 1841, we made application to the bank of Scotland relative to opening an account with the bank, in our name, and advancing to us, on the credit of the assessments authorized for the expenses of the general board, such sum as we might require, not exceeding 5,000*l*., that being the sum fixed by the Act, as already mentioned, for the expenses of the general board, and the current expenses of the Perth prison for the first year

With reference to this and other financial arrangements, we appointed a finance committee, consisting of the following members:

The Solicitor-General,
Mr. Shaw Stewart,
Mr. Monteith,
Mr. Anderson,
Mr. Graham Speirs, and
Mr. John Wigham;

Mr. Shaw Stewart to be conveuer, and three a quorum; and we have directed that no money orders on the account with the bank be issued except under the signature of three members of the board, two of those three being members of the finance committee; and that all such orders be countersigned by the secretary. The bank of Scotland has accordingly agreed to open an acconnt with us on the terms above mentioned, but no operations on the account were made previous to the close of last year.

Secretary.

VII. It is directed by the Act, that the secretary to the general board shall receive an adequate salary, to be paid by the public, of such amount as shall from time to time be recommended by the board, and be approved by the Lords of the Treasury; and also, that the secretary shall find sufficient security for his intromissions and management, to the satisfaction of the board. At our first meeting we recommended that the annual salary of the secretary should be 700*l*., and our recommendation being communicated to the Lords of the Treasury, was sanctioned by their Lordships. The secretary has found sufficient security for his intromissions and management to our satisfaction, by granting bond, along with sureties, to the extent of 10,000*l*. The bond has been duly recorded in the books of council and session, and an extract thereof delivered to the custody of the Queen's Remembrancer for Scotland.

Governor of Perth Prison.

VIII. We have requested the Lord Advocate and Mr. Hill to consider and report as to a proper individual to be appointed by us to the important office of governor of the general prison at Perth, and the amount of his salary.

Architect.

Appendix XII.

IX. We have mentioned, in reporting our proceedings as to fixing upon a plan for the general prison at Perth, that we had appointed Mr. Thomas Brown to be our architect with respect to that prison. A proposal was made by Mr. Brown to us, relative to the manner and amount of his remuneration, which was remitted to

The Earl of Roseberry,
Sir William Rae, and
The Lord Advocate.

On the report of this committee we agreed to the proposal, reserving to ourselves the due control and taxation of Mr. Brown's travelling expenses.

Chambers.

Library.

X. We have hired chambers in George-street, at the yearly rent of 55*l*., and have purchased suitable furniture. We are also collecting a library of works relative to prisons and prison discipline; and in this we have been much assisted by the Honourable Fox Maule, he having transmitted to us the Reports and other proceedings of Parliament relative to this subject.

Estimate for the Current Year 1840.

An estimate of the sums which we shall require in the execution of the Act during the year, from the 1st day of January to the 31st December of the current year, is directed to form part of this Annual Report. This estimate is to set forth in a separate and distinct manner the purposes for which the sums therein contained shall be required; and, in particular, shall distinguish the expense of building, altering, and repairing local prisons as applicable to each county. The Act further provides that the estimate shall not be acted on, or apportioned, in manner therein provided, until the expiration of one month after the same shall have been laid before Parliament, and until the approval of the Secretary of State shall have been signified to us.

In the performance of this duty we have to submit the following estimate to your Lordship, with respect to the several purposes for which the sums therein contained are in our opinion required.

For General Prison at Perth.

I. We estimate that the sum of 2,000*l*. will require to be raised by assessment in manner provided by the Act, for the current year, for defraying the expense of converting the said buildings at Perth into a general prison, and furnishing and completing the same. The following table shows the apportionment of this assessment on the several counties.

With reference to this estimate little explanation need be offered. We have already detailed to your Lordsuip the state of the buildings at the time we entered into possession of them, and the desire we entertained to make these buildings serviceable as far as possible for the purposes of the general prison which we are authorized to erect; but we have submitted the reasons which induced us, from the situation and construction of these buildings, to substitute for part of them new buildings on a different and better plan. The estimated expense of the new prison exceeds 20,000*l.*, after deduction of the value of the old materials. We intend to commence its erection as early in the course of the ensuing spring as the state of the weather will permit; and we trust that the greater part of the works may be completed in the course of the year, and the building be ready for the reception of prisoners early in the year 1841. As we shall only receive for this purpose 10,000*l.* from the Consolidated Fund, it will be necessary for us, not only to raise the maximum amount of assessment permitted for this purpose by the Act, but, probably, also to borrow money in virtue of the power given to us to that effect on the security of the subsequent assessments.

For Local Prisons.

II. We estimate that the sum of 10,000*l.* will require to be raised by assessment, in manner provided by the Act, for the current year, for defraying the expense of building, altering, and repairing the local prisons. The following Table shows the apportionment of this assessment on the several counties.

In submitting this estimate, it is proper to mention that we do so without that knowledge and assent which we would desire to have, and which we trust hereafter to obtain from the county boards. These boards, however, are not yet established, and do not begin to act until May next. On the 1st of July following, they will have placed under their charge all the prisons in the kingdom, except the general prison at Perth. We are not at present possessed of minute information regarding the extent to which funds will be requisite for building, altering, or repairing prisons in the several counties, but we have reason to believe that in every county funds to some extent will be required for these purposes. We found this belief, in the first place, on the authority of the Inspector of Prisons, who, in addition to the information afforded in his Reports, has stated his opinion on the subject in the following letter addressed to the secretary:—

"Sir, *Tottenham, near London, January* 18, 1840.

"I have received your letter of the 10th instant, requesting me to inform you, as Inspector of Prisons for Scotland, whether in my opinion the maximum sum which the prison board is enabled to levy for the building, altering, and repairing of local prisons in the different counties of Scotland, will be required in every county in the present year.

"In reply, I have to state as the result of examinations and inquiries made on the spot in each county, that in my opinion the maximum sum which the board can levy for building, altering, and repairing local prisons, will be required this year in every county, without exception; and that in most cases this sum will do very little compared with what will remain to be done towards providing the requisite number of good local prisons; most of the existing prisons being in a very bad state, and many prisons being wanted in places as yet wholly unprovided.

"I am, Sir, your obedient servant,
(Signed) "Frederic Hill.

In the second place, while we are preparing this Report and Estimate, our opinion as to the necessity of an assessment being required for this purpose in every county, is confirmed by the opinions expressed by the sheriffs of the several counties in the answers received to a circular letter transmitted to them on the 10th of January, 1840, requesting them to state the number and description of prisons in their respective counties, and their opinion as to each of the prisons on the following points:—"1. If the prison be sufficient, and capable of admitting of the system of individual separation of prisoners by day and night, with labour and religious and moral instruction?—or 2. If the prison be insufficient for the above purposes, but capable of being rendered so?—or 3. If the prison be insufficient, and incapable of being rendered sufficient as above; and if another prison be required at the same place on a new plan or site?—or 4. If the prison be unnecessary, and may be altogether discontinued?"

Situated, therefore, as we now are, and the county boards, with whom we should desire to communicate on such a subject as the present, not being yet established, we conceive it to be our duty to make this estimate. If it should happen that in any county the whole sum shall not be required, the surplus, when paid, will, with accruing bank interest, be available for the same purpose in succeeding years, and, in so far, save the necessity of future assessments.

The general board are authorized to borrow money on the credit of this assessment. As it will not become payable until 1841, it will be their duty to communicate to the several county boards when appointed, and to borrow for their use from the commissioners for the issue of Exchequer bills in aid of public works or otherwise, such sums as may be judged expedient.

For Expenses of General Board.

III. The sum of 5,000*l.* is directed by the Act to be assessed for the current year in manner therein provided, for the current annual expenses of the establishment of the general prison at Perth, including the expense of transmitting prisoners to and from the said general prison, the expense of aliment of prisoners while there, and all the expenses of the said general board, excepting the salary of the secretary. The following table shows the apportionment of this assessment on the several counties.

In regard to this sum there is no discretion. The provision of the Act is, that "the sum of 5,000*l.* shall be assessed."

For Expenses of County Boards. § 38.

IV. The fourth branch of assessment is for the expense of transmitting prisoners from one local prison to another, the expense of the aliment of prisoners in the county gaols, and generally the current expenses of such gaols. With reference to this branch of assessment, we make no estimate. The sums to be raised for these purposes are not required by us, but by the county boards. This branch of assessment does not come into our hands, but is paid directly by the local authorities to the county boards, and remains with them. They are to fix the amount of this assessment at a meeting in the month of September annually, according to the amount of the expenses of the preceding year.

§ 40.

§ 41, 46.

§ 38.

As the assessment for these purposes will not be payable until 1841, and the county boards are to assume the management of the prisons on 1st July, 1840, it will be necessary for them to borrow money on the credit of the assessments. This they are authorised to do by the 53rd section of the Act.

TABLE of Estimated Assessments apportioned on the several Counties of Scotland, including the Burghs situated therein, for the year 1840, for the purposes specified in the Table.

Counties.	For the Expense of converting the Buildings at Perth into a General Prison, and of furnishing and completing the same. § 35.	For the current Annual Expenses of the Establishment of the General Prison at Perth, including the Expense of transmitting Prisoners to and from the said General Prison, the Expenses of Aliment of Prisoners while there, and all the Expenses of the said General Board, excepting the Salary of the Secretary. § 37.	For the Expense of Building, Altering, and Repairing the Local Prisons. § 36.
	£. s. d.	£. s. d.	£. s. d.
1. Aberdeen . .	146 19 7	367 8 11^{6}	734 17 11
2. Argyle. . .	65 12 8	164 1 8	328 3 4
3. Ayr	86 17 2	217 2 11	434 5 10
4. Banff. . . .	25 15 8	64 9 2	128 18 4
5. Berwick . . .	19 19 2	49 17 11	99 15 10
6. Bute	9 11 8	23 19 2	47 18 4
7. Caithness . .	24 5 2	60 12 11	121 5 10
8. Clackmannan .	19 3 3	47 18 1^{6}	95 16 3
9. Dumbarton . .	31 11 2	78 17 11	157 15 10
10. Dumfries . .	57 1 1	142 12 8^{6}	285 5 5
11. Edinburgh . .	292 8 6	731 1 3	1,462 2 6
12. Elgin . . .	21 3 7	52 18 11^{6}	105 17 11
13. Fife	90 19 6	227 8 9	454 17 6
14. Forfar . . .	141 10 9	353 16 10^{6}	707 13 9
15. Haddington . .	27 1 4	67 13 4	135 6 8
16. Inverness . .	62 13 5	156 13 6^{6}	313 7 1
17. Kincardine . .	22 15 8	56 19 2	113 18 4
18. Kinross . . .	17 15 1	44 7 8^{6}	88 15 5
19. Kirkcudbright .	28 18 11	72 7 3^{6}	144 14 7
20. Lanark . . .	269 0 2	672 10 5	1,345 0 10
21. Linlithgow . .	22 15 7	56 18 11^{6}	113 17 11
22. Nairn . . .	7 7 10	18 9 7	36 19 2
23. Orkney & Shetland	32 19 4	82 8 4	164 16 8
24. Peebles . . .	7 1 10	17 14 7	35 9 2
25. Perth . . .	126 1 3	315 3 1^{6}	630 6 3
26. Renfrew . . .	112 11 5	281 8 6^{6}	562 17 1
27. Ross & Cromarty	50 12 5	126 11 0^{6}	253 2 1
28. Roxburgh . .	64 2 10	160 7 1	320 14 2
29. Selkirk . . .	5 19 11	14 19 9^{6}	29 19 7
30. Stirling . . .	66 11 1	166 7 8^{6}	332 15 5
31. Sutherland . .	13 17 11	34 14 9^{6}	69 9 7
32. Wigton . . .	28 15 1	71 17 8^{6}	143 15 5
	2,000 0 0	5,000 0 0	10,000 0 0

Conclusion.

In conclusion, we have only further to assure your Lordship of the deep sense we entertain of the importance of the charge we have undertaken, and of our anxious desire to perform our duties with fidelity and zeal. The means upon which we chiefly rely we have already stated to your Lordship to be the introduction into all our prisons, in so far as their several situations and circumstances will permit, of the system of separate confinement of prisoners, accompanied with labour, and religious and moral instruction. With this view we shall proceed forthwith to prepare rules for the management and discipline of prisons, which, under your Lordship's approval and sanction, we shall transmit to the various county boards to be hereafter appointed, along with such information and advice as we may deem proper; and we have no doubt that these boards, and the other local authorities in the counties and burghs, will concur with us in carrying our rules into full effect, by making such alterations as may be necessary in the existing prisons,—the appointment of efficient officers,—and a due attention to the maintenance of the enjoined system of discipline. The results of these measures we shall hereafter report. In the mean while, looking forward with confidence to the cordial co-operation of the county boards, we hope that, by our united exertions, we shall be enabled to promote the objects of the Legislature in our appointment,—the improvement of prisons and prison discipline in Scotland.

We have the honour to be,
My Lord,
Your Lordship's very obedient servants,
BREADALBANE.
DALHOUSIE.
ROSEBERY.
MELVILLE.
BELHAVEN.
F. MAULE.
C. HOPE.
D. BOYLE.
WM. RAE.
AND. RUTHERFURD.
J. IVORY.
JOHN HOPE.
THOMAS MAITLAND.
J. SHAW STEWART.
ALEX. E. MONTEITH.
ADAM ANDERSON.
GRAHAM SPEIRS.
FREDERIC HILL.
JOHN WIGHAM, Jun.

APPENDIX.

No. I.

CAP. XLII.

An Act to improve Prisons and Prison discipline in Scotland, 17th August, 1839.

Whereas an Act of the Scottish Parliament was passed in the year one thousand four hundred
and eighty-seven, intituled "Of the Keiping of arreisted Trespassoures:" and whereas 1487, c. 101.
another Act of the Scottish Parliament was passed in the year one thousand five hundred and 1597, c. 277.
ninety-seven, intituled "Prison Houses suld be bigged within all Burrowes," whereby it is
statute and ordained, that there should be a sufficient prison made in every royal burgh within
the realm, and supported out of the common good of the burgh, or otherwise at the expense of
the burgh, for the sure keeping of all transgressors, as well civil as criminal, who should be
presented by the sheriff of the shire or stewarts and bailies of regality within which the burghs
are situate, as also all other persons presented to ward by the magistrates' authority within
burgh: and whereas another Act of the Scottish Parliament was passed in the year one thousand
six hundred and seventeen, intituled "Anent the Justices for keeping of the King's 1617, c. 8.
Majesty's Peace, and their Constables:" and whereas another Act of the Scottish Parliament
was passed in the year one thousand six hundred and ninety-six, intituled "An Act anent the 1696, c. 32.
Aliment of poor Prisoners:" and whereas an Act was passed in the eleventh year of the reign
of His Majesty King George the Second, intituled "An Act for more effectual disarming the 11 G. 1. c. 26.
Highlands, and for the better securing the Peace and Quiet of that part of the Kingdom,"
whereby the assessment, collection, and management of the money termed the rogue money is
authorized in the several shires and stewartries for defraying the charges of apprehending of
criminals, subsisting them in prison until prosecution, and of prosecuting such criminals for
their several offences by due course of law: and whereas an Act was passed in the twentieth
year of the reign of His Majesty King George the Second, intituled "An Act for taking away 20 G. 2. c. 43.
and abolishing the Heritable Jurisdictions in that Part of Great Britain called Scotland," and
for other purposes therein mentioned, whereby certain regulations were made relative to
prisons used by barons or heritors of lands having criminal jurisdiction not thereby taken
away: and whereas an Act was passed in the fifty-ninth year of the reign of His Majesty
King George the Third, intituled "An Act to enable Counties and Stewartries in Scotland 59 G. 3. c. 61.
and to give Aid to Royal Burghs situated therein, for the Purpose of improving, enlarging, or
rebuilding their Gaols, or to improve, enlarge, or rebuild Common Gaols of Counties or Stewartries
which are not the Gaols of Royal Burghs: and whereas an Act was passed in the sixth
year of the reign of His Majesty King George the Fourth, intituled "An Act to amend an 6 G. 4. c. 62.
Act of the Scottish Parliament relative to the Aliment of poor Prisoners: and whereas an
another Act was passed in the tenth year of the reign of His said Majesty, intituled "An Act 10 G. 4. c. 54.
for directing Reports to be made respecting Gaols in Scotland;" and in conformity to the provisions
of the said Act certain reports have been made, which have been laid before Parliament:
and whereas various local Acts have also from time to time been passed, whereby and
by virtue of the before-recited Act of the fifty-ninth year of the reign of His Majesty King
George the Third, assessments have been authorized to be levied in various burghs, and also
in various counties in aid of the burghs situated therein, for the building and management of
prisons, bridewells, and other places of confinement, and the maintenance of prisoners, and
the expenses of obtaining such local Acts; and whereas His late Majesty King William the
Fourth, by His royal commission dated the fifteenth day of July one thousand eight hundred
and thirty-three, directed letters patent to be forthwith made and passed under the seal
appointed by the Treaty of Union to be kept and made use of in place of the great seal of
Scotland, authorizing and appointing certain commissioners to make a general inquiry into
the state and condition of the several cities, burghs, and towns of Scotland; and the said
commissioners have presented a report, dated the fifth day of August, one thousand eight hundred
and thirty-five, wherein they report, amongst other things, as to the management of
gaols, which report has been laid before Parliament: and whereas by an Act passed in the
fifth and sixth years of the reign of His said late Majesty, intituled "An Act for effecting 5 & 6 W. 4. c. 38
greater Uniformity of Practice in the Government of the several Prisons in England and Wales,
and for appointing Inspectors of Prisons in Great Britain, one of Her Majesty's Principal Secretaries
of State is empowered to appoint inspectors of prisons in any part of the kingdom of
Great Britain, who should make, and transmit to one of Her Majesty's Principal Secretaries
of State, yearly reports of the state of every prison visited by him, copies of which reports
should be laid before Parliament: and whereas by virtue of the said last-recited Act an inspec-

tor of prisons has been appointed to act in Scotland, who presented a First Report, dated the third day of February, one thousand eight hundred and thirty-six, a Second Report, dated the twenty-fifth day of February, one thousand eight hundred and thirty-seven, and a Third Report, dated the thirteenth day of March, one thousand eight hundred and thirty-eight, all of which reports have been laid before Parliament: and whereas the prisons in Scotland are in general insecure and incommodious, and incapable of admitting of the adoption of a good system of prison discipline therein: and whereas it is expedient to train the prisoners in good and industrious habits by effecting their complete separation from vicious society, and by affording them religious and moral instruction, and employing them in useful labour: and whereas the burden of providing and maintaining prisons, and of supplying aliment to prisoners therein, has been imposed on burghs by ancient laws and usages; but the funds thereof are now inadequate for these purposes, and it is inexpedient that the burghs should continue liable to the burdens and obligations wherewith they are chargeable in respect of prisons and prisoners: and whereas the aid given by counties to burghs for the aforesaid purposes is varying and uncertain, and in many cases cannot be obtained efficiently or without great difficulty and expense: and whereas it is expedient, with a view to the adoption of efficient means for the punishment and repression of crime and reformation of criminals, that provision should be made for the erection and maintenance of more secure and convenient prisons, and for the better management thereof, and the establishment of a well-regulated system of prison discipline therein, by the appointment of a board of directors of prisons acting on a uniform system, and invested with power to erect and maintain proper prisons, and to regulate the discipline and management of all prisons in Scotland, and for raising the necessary funds by means of a general assessment on property within the several counties and burghs in manner hereinafter provided: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that a general board of directors shall be and the same is hereby established for carrying into effect the purposes of this Act; and the said board shall consist of the persons following; namely, the Lord Justice General in Scotland, the Lord Justice Clerk, the Lord Advocate, the Solicitor-General, the Dean of the Faculty of Advocates, all for the time being, together with fourteen other persons, five of whom shall be persons holding or who shall have held the office of sheriff-depute, whom it shall be lawful for Her Majesty, after the passing of this Act, by warrant under the royal sign manual, to appoint; and the said board shall be and be styled "The General Board of Directors of Prisons in Scotland;" and the said board may sit from time to time as they deem expedient as a board of directors for carrying this Act into execution; and it shall also be lawful for Her Majesty, her heirs and successors, to remove any of the said members of the board or any member thereof to be hereafter appointed, and to supply any vacancy which may occur in the said board.

General Board of Directors of Prisons established.

Directors to derive no Emolument.

Their Expenses to be paid.

2. And be it enacted, That no director shall derive any profit or emolument for the discharge of the duties of his office as a member of the board, nor shall be personally liable for anything done by him *bonâ fide* in virtue of his office in the execution of this Act or in the exercise of the powers herein contained: provided always, that any necessary expenses incurred by the board or committees appointed by them, or by individual members of the said board, in execution of this Act, shall be paid out of the funds raised by and under the management of the said board by virtue of this Act; and an account of such expenses shall be annually laid before Parliament in manner hereinafter provided.

Secretary to the Board.

3. And be it enacted, that it shall be lawful for Her Majesty, and her heirs and successors, to appoint a fit person to be secretary to the said board, to be paid by the public, and to supply any vacancy which may occur in the said office; and such secretary shall receive an adequate salary, of such amount as shall from time to time be recommended by the said board, and be approved of by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the united kingdom of Great Britain and Ireland, or any three or more of them; and such secretary shall find sufficient security for his intromissions and management to the satisfaction of the board, and shall be liable to be removed by Her Majesty on the recommendation of the said board: provided always, that the name of the person so appointed as secretary, with the amount of salary allotted to him, shall be laid before both Houses of Parliament within six weeks after the appointment shall be made or salary allotted, if Parliament shall be then sitting, or if not, within six weeks after the commencement of the next session of Parliament.

Board may hold Property and Monies, and sue and be sued.

4. And be it enacted, that the said board may acquire and hold heritable and moveable property, monies, goods, and effects, and that all titles, securities, investments, receipts, and evidences taken for the same may be taken to the said board, by the name and description of the general board of directors of prisons in Scotland, without further description, or to and in name of any two or more persons appointed trustees by the said board, or to and in name of the secretary to the said general board for the time being, if they shall think fit, under such regulations as to the disposing or uplifting thereof, when taken in the name of trustees, or of the secretary, as the board shall think fit to direct; and all such property, monies, goods, and effects being so taken and vested shall be deemed to be held for the use of the said board for the time being for the purposes of this Act, and shall pass and be transmitted to the said board, and to such trustees and secretary for the time being as shall be duly appointed, without the necessity of any further conveyance or assignation; and the said board are also authorized, for all purposes of civil or criminal action or diligence, or reference to arbitration, to institute, defend, or enter into any such civil or criminal proceedings as they may judge necessary in the name of such board or secretary for the time being; and no such proceedings shall be discontinued or abate by any vacancy in any of the said offices, but may be proceeded

in, to all intents and purposes, in the name of the board, or of the secretary commencing the same, or his successor: provided always, that no judge shall be disqualified from acting as such in any such civil or criminal proceedings by reason of being a member of the said board.

Meetings of the Board.

5. And be it enacted, That the said general board shall meet at Edinburgh, in the court room of the first division of the Court of Session, upon Wednesday the eleventh day of September, one thousand eight hundred and thirty-nine, at noon, and shall thereafter hold two general meetings in each year, the one upon the second Wednesday of Jannary, and the other upon the second Wednesday of September, in each year; and at such first meeting, and at all other meetings to be held under this Act, five shall be a quorum; and the said board shall have power to adjourn for such time and to such place as they shall see fit; and it shall be lawful also for the said general board to hold special or *pro re nata* meetings, which may be called by the secretary upon requisition by any two members; provided that such notice shall be given in writing by the secretary as the board shall hereafter direct, and that all notices of special or *pro re nata* meetings shall specify the business or matter on which such meeting is called.

General Board may name Committees.

6. And be it enacted, that the said general board shall have power to appoint committees of their number, and to fix the quorum thereof, with power to transact all the business hereby committed to the said general board, or such part thereof as the said general board shall delegate to them; and such committees shall report from time to time to the said general board as the latter shall direct, and failing such direction to the said general board at its next statutory general meeting.

Board to make Rules, subject to Approval of Secretary of State.

7. And be it enacted, that the said board shall be and they are hereby authorized and required, from time to time, as they shall see occasion, to make and submit to one of Her Majesty's Principal Secretaries of State rules for the management, good order, and discipline of prisons and prisoners, and for the mode in which contracts shall be entered into and plans made for building, altering, or repairing prisons, and supplying them with food and other articles of consumption, and for regulating the dietary of prisoners, and generally for carrying into effect the purposes of this Act; and it shall be lawful for such Secretary of State, if he shall think fit, to alter such rules, or to make additional rules; and he shall grant a certificate that such rules as submitted to him, or altered or added to, are proper to be observed and enforced; and upon such certificate being granted such rules shall be by the Secretary of State transmitted to the board, and shall be effectual.

Board to record their Proceedings and make annual Reports thereof.

8. And be it enacted, that the said board shall make a record of their proceedings, in which shall be entered minutes of all meetings held by them, or any committee appointed by them, and all regulations or orders made by the board in vitue of the powers herein given, together with full and detailed accounts of their whole receipts and expenditure, and all other matters which the board may judge proper; and the said board shall on or before the fifteenth day of February in every year, make and transmit to one of Her Majesty's Principal Secretaries of State a full Report of their whole proceedings during the year ending on the thirty-first day of December preceding; which Report shall, in particular, contain the regulations made by the board for the management and discipline of prisons, with such alterations or additions as shall have been made by the Secretary of State as aforesaid, a statement of the prisons built or altered, with suitable explanations of the design of such buildings or alterations, and an abstract of the whole receipts and expenditure, classifying the separate articles thereof, and showing from whence the receipts have been derived, and to what purposes the expenditure has been applied; and a copy of every such Report shall be laid before both Houses of Parliament within fourteen days after such fifteenth day of February, if then assembled, or if Parliament shall not be then assembled, within fourteen days after the next meeting thereof.

Each Prison, with an Exception, to be under the Management of a County Board.

9. And be it enacted, that with the exception of the general prison to be established by the said general board at Perth, which prison so excepted shall be under the superintendence and management of the said general board alone, each prison shall be under the immediate superintendence and management of a county board, to be appointed for such prison in manner and with the powers hereinafter provided.

General Board to authorize certain Number of Members to be appointed for County Boards.

10. And in order to the due establishment of the said county boards, and the appointment of the members thereof, by the several parties liable in payment of the assessment to be raised for the purposes of this Act, according to the proportion of their several liabilities, be it enacted, that from and after the passing of this Act the said general board shall authorize the commissioners of supply of the several counties and the magistrates of all burghs, contributing or liable to contribute not less than thirty pounds annually of assessment to be imposed under this Act respectively, to appoint such several numbers of persons to form a county board for each county as to the said general board may seem just and expedient, which numbers shall, without further appointment, be divided among the landward part of the county and the several burghs in such county, as nearly as possible in proportion to the amount of assessment to be contributed by them respectively for the purposes of this Act.

A Prison Board for each County to be appointed.

11. And be it enacted, that the commissioners of supply acting in and for each county shall, in the year one thousand eight hundred and forty, and thereafter at their annual meetings, usually holden on the thirtieth day of April in each year, appoint such number of persons to be members of the county board for such county as shall be authorized as aforesaid; and the magistrates of the several burghs authorized to appoint members to the said county board shall also, in the said year, and annually thereafter, at a meeting in the month of April, severally appoint such number of persons to be members of such boards as may be authorized as aforesaid; and the persons so appointed by the said commissioners of supply of the several counties, and by the magistrates of burghs within such counties, shall be a board for the purpose of carrying this Act into execution within such county, under the direction of the said general board, and shall be and be called the prison board for such county; and the said

prison board shall remain in office for one year from the time of their first meeting, and at each new election the whole or any of the members of such board may be re-elected: provided always, that the sheriff depute of each county for the time being, or in his absence the sheriff substitute, acting at the head or returning burgh of the county, shall, by virtue of their offices, be members of such county boards.

Meetings of County Prison Board.

Chairman.

Committees, and Quorum of County Boards.

12. And be it enacted, that each county prison board shall hold their first meeting at such place within the county as may be fixed by the sheriff depute of the county, on the third Wednesday in the month of May annually, and of which due notice shall be given in two newspapers in general circulation in such county; and at such meeting each county board shall elect one of their own number to be their chairman and convener; and such chairman shall, in case of an equality of votes, have a double or casting vote; and each county board shall from time to time hold its meetings at some place within the county, and shall, under the direction of the said general board, fix and establish the rules by which the meetings of such board or committee thereof shall be convened, and by which their proceedings shall be governed; and each county board may appoint committees of their own number, for the management of the several prisons within such county, or for the performance of the several duties required to be performed by such board, and fix the quorum thereof, and may delegate to such committees such powers as they may think fit, the same being expressed in the minute of their appointment; and three shall be a quorum of such county boards.

Members of County Boards to derive no Profit.

Sheriffs not disqualified.

13. And be it enacted, that no member of any county board shall derive any profit or emolument, directly or indirectly, for himself or any partner from his office, or from the expenditure made by the board of which he shall be a member, in the execution of this Act, nor shall be personally liable for anything done by him *bonâ fide* in virtue of his office, in the execution of this Act, or in the exercise of the powers herein contained; and no sheriff shall be disqualified from acting as such in any civil or criminal proceedings which may be brought before him by reason of being a member of any such board.

Members of General Board may attend County Boards.

14. And be it enacted, that any member of the said general board may attend any meeting of any county board or committee thereof, and may give his opinion on any matters which may be under the consideration of such board or committee, but without having any vote; and each county board and committee thereof shall furnish to the said general board such information, as to their proceedings, as the general board may from time to time require.

Powers and Duties of County Boards.

15. And be it enacted, that in each county the prison board thereof shall, subject to the directions of the general board, and excepting the said general prison, have the immediate superintendence and management of the several prisons, in terms of this Act and of the rules to be made in virtue hereof; and such superintendence and management shall, under the provisions contained in this Act and the rules to be made as aforesaid, include the building, altering, and repairing the said prisons, the providing of food and all other articles of consumption used therein, the furnishing instruction and employment to the prisoners, and the appointment of keepers, chaplains, medical officers, clerks, and teachers, and all other persons proper to be employed, and the suspension of the persons so appointed until the cause of suspension shall be judged of and decided by the general board; and such county boards shall be charged with the well-ordering and discipline of their several prisons, and shall (subject always, however, to the approval of the said general board) fix the salaries to be paid to the keepers and other persons employed in such prisons, and to the clerk of the county board: provided always, that the chaplains to be so appointed to the general prison and prisons aforesaid shall be ministers or licentiates of the established church of Scotland.

Failing in County Boards, the General Board to act.

16. And be it enacted, that, failing the appointment of any county board, or in case any county board shall decline or neglect to act in execution of the powers and duties hereby imposed upon them, and so long as there shall be no county board, or as such county board shall decline or neglect to act, the said general board shall proceed to execute the powers and duties which would otherwise have devolved upon such county board, either directly or in such way as the general board may deem expedient; and all acts so done by the general board shall be as valid and effectual as if the same had been done by a county board duly appointed and acting.

Disputes how to be adjusted.

17. And be it enacted, that in case any dispute (excepting in cases of questions as to additional assessment for local buildings) shall arise between the general board and any county board, the same shall be referred to one of Her Majesty's principal Secretaries of State, whose decision shall be final.

Existing Authorities relieved of all Obligations in respect of Prisons and Prisoners.

18. And be it enacted, that from and after the first day of July, one thousand eight hundred and forty, all obligations, duties, burdens, and liabilities relative to the building, maintenance, and management of prisons, and the aliment, discipline, and escape of prisoners, presently or previously to the said date, imposed by any law, statute, or usage on magistrates of burghs, commissioners of supply of counties, or commissioners or trustees appointed under the authority of Parliament, or on any other person or persons whatever, shall cease and determine; and the funds hereby authorized to be raised or levied shall not be in anywise liable for the escape of any prisoner, but reserving action against the gaoler for any neglect as touching the custody of any such prisoner: provided always, that nothing herein contained shall invalidate or affect anything which shall have been done previously to the said date, or the right of such magistrates, commissioners, or trustees to use the powers and authorities presently vested in them for the purpose of recovering and obtaining possession of property or monies belonging or due to them, or of raising assessments in fulfilment or security of obligations for which they were liable at the said date, for advances of money made on the faith and security of such assessments, or shall invalidate or affect any contract *bonâ fide* made or to be made by or with any person or persons previous to the said date: provided also, that

Proviso as to Her Majesty.

nothing herein contained shall be held to impair or affect any obligation presently or previously to the said date imposed by any law, statute, or usage on Her Majesty, and her heirs and successors, relative to prisons or prisoners, and particularly relative to the removing and aliment of prisoners; neither shall the commutation of any sentence relieve the Crown from any burden to which it would otherwise have been subject; and it is hereby provided, that the receipt of any person appointed by the said board for that purpose shall be a valid and effectual discharge of any payments made in fulfilment of any such obligation.

Prison Fees abolished.

19. And be it enacted, that from and after the said last-mentioned date, all fees of every description, payable by civil or criminal prisoners to keepers or officers of prisons, shall be and the same are hereby abolished.

Existing Prisons and Prison Funds vested in the Board.

20. And be it enacted, that all existing prisons, and all prisons which shall exist on the said first day of July, one thousand eight hundred and forty, excepting the general prison at Perth hereinafter mentioned, together with all the furniture and appurtenances of the same, shall from and after the said date be and the same are hereby vested in the county boards herein provided; and that the said property and effects, and all other heritable or moveable property, monies, goods, and effects, vested or remaining at the said date in the hands of commissioners, magistrates, trustees, or other persons under any Act of Parliament, or under any law or usage, for the purpose of building, repairing, or maintaining prisons, or supplying aliment to prisoners, in so far as such property, monies, goods, or effects have been and are in their hands or may be recovered by them for the aforesaid purposes, shall at the said last-mentioned date, or as soon as possible thereafter, be conveyed, assigned, and paid over to the said boards, or to persons duly authorized by them to that effect; and such commissioners, magistrates, trustees, or other persons are hereby authorized and required to make, grant, subscribe, and deliver all necessary dispositions, assignations, and conveyances of all such property, monies, goods, and effects, in order that valid titles may be completed thereto by the said boards, or their trustees; but no title to be completed thereto by the said board, or the trustees shall alter the tenure of any property conveyed as aforesaid in regard to the Crown or any subject superior: provided always, that where any court house or county rooms, or other buildings used for local public purposes, form a part of or are connected with any existing prison, nothing herein contained shall be held to give such boards any right to such court house or county rooms or buildings so used for local public purposes.

Right of Pre-emption in case of Discontinuance and Disposal of Prisons.

21. And be it enacted, that in case any existing prison, which forms part of any building used for other purposes as aforesaid, be discontinued and disposed of under the powers herein given, the first offer of the same shall be made to the persons having right to the other parts of the building at such reasonable price as may be agreed on, or, in case of disagreement, as may be fixed by valuators appointed by the sheriff of the territory: provided always, that the said county boards may, with the permission of the general board, give up and discontinue any of the small prisons without requiring any price, if they shall think proper: provided also, that where it shall happen that a portion of one of the larger prisons can be advantageously applied in extending the accommodation of an adjoining court house, the county boards may, with the permission of the general board, if they think proper, give up such portion for this purpose without requiring any price.

Boards to have the Management of Prisons.

22. And be it enacted, that from and after the said first day of July, one thousand eight hundred and forty, the said general board of directors of prisons shall, by themselves and their officers, and by means of the county boards herein established, possess and exercise the full power of administration and management of all prisons in Scotland; and the said general board shall, by a writing under their hands or the hands of any five of them, and which shall be published in the "Edinburgh Gazette," and in such other manner as they shall think proper, declare and intimate from time to time the names and situations of all prisons, and the description of prisoners to be received therein respectively; and all such prisons shall be lawful prisons for the description of prisoners so declared and intimated to be received therein respectively; and the said general board shall be, and they are hereby empowered, from time to time as they shall think proper, to authorize the county boards herein established to discontinue and sell and dispose of any prison, or take down and rebuild or alter the same, and to erect and provide new and more commodious prisons within their several counties, which shall be better adapted for the system of discipline required to be observed, and in more suitable situations; and the said general board may also, from time to time as they shall think proper, alter and determine the description of prisoners to be received in any prison; and intimation shall be given by the said general board in manner aforesaid of any such discontinuance of a former prison or establishment of a new one, and of the description of prisoners to be received in any new prison, or in any prison in which the former description of prisoners may be altered; and the said general board shall have power to appoint keepers, chaplains, medical officers, and teachers for the said general prison at Perth, under their own immediate superintendence and management, together with all officers, clerks, and other persons required for the said general prison at Perth in the execution of this Act, and to assign to all such persons such remuneration for their services as they shall think proper; and the said general board shall also have power to suspend, remove, or dismiss, at pleasure, all keepers of prisons and other persons employed, whether by them in the said general prison, or in the prisons under the superintendence and management of the county boards as herein provided; and also to give or to authorize the said county boards to give such compensation as the county boards may deem just to any such person now in office who may be suspended or removed, and who by the tenure of his office, and by the nature and duration of his services, may be entitled thereto; and the said general board shall further possess and exercise the full power of administration and management of the whole property, monies, goods, and effects to be raised and vested in them, and shall hold, use, and apply the same for the purposes and in terms of this Act; and the said general board

Prison Funds; and Prisoners.

shall, by themselves or by means of the said county boards as herein provided, possess and exercise the full power of regulating the confinement, treatment, and diet of all civil and criminal prisoners, and of separating and setting them to work, and taking all due means to train them in good and industrious habits: provided always, that the aforesaid powers of the said general and local boards in respect of the management of prisons, and prison funds, and prisoners, shall be at all times subject to the conditions and limitations contained in this Act, and in the rules to be made in virtue hereof: provided also, that the said boards shall not have pawer to set to work any civil prisoners, or any untried criminal prisoners, without their own consent, but, in case of such civil prisoners consenting to submit to the ordinary rules of the prison in regard to work, they shall be entitled to the usual prison diet.

Her Majesty in Council may direct public Buildings at Perth to be granted to the Board.

23. And be it enacted, that the commissioners for executing the office of Lord High Admiral of the United Kingdom for the time being, and the officers of Her Majesty's Ordnance for the time being, shall be, and they are hereby authorized and required to grant and convey to the said general board of directors of prisons the lands, buildings, and pertinents thereto belonging at Perth, and presently vested in the said commissioners or officers, or either of them, as the said commissioners or officers, or either of them, shall be directed by Her Majesty in Council to grant and convey to the said board of directors for the purposes of this Act.

What Property shall vest in the County Board appertaining to Dundee Prison.

24. And in order to prevent doubts as to what property appertaining to the prison of Dundee it is intended to vest in the said county board, be it enacted, that nothing in this Act contained shall vest in the said county board any portion of the ground or buildings which shall extend more than three yards to the north of the airing-grounds and northern wards of the bridewell, and debtors' and criminal prisons of the burghs of Dundee, or shall extend more than six yards to the south of the parapet and railing in line with the front of the governor's house of the said bridewell and prisons: provided always, that the county board may, with the consent of the general board, at any time purchase and take such further part or parts of the ground within the boundary wall at present erected round the said prison as to them may seem proper, on paying for the same such price as may be fixed by a valuation made under the authority of the sheriff, on a summary application being made to him to that effect.

Assessment of County of Forfar and Burghs therein. 4 & 5 W. 4. c. lxxxi.

5 G. 4. c. cxxix.

25. And whereas the magistrates and town council of the royal burgh of Dundee, as commissioners under an Act passed in the fourth and fifth years of the reign of His late Majesty King William the Fourth, intituled "An Act for erecting and maintaining a gaol for the royal burgh of Dundee in the county of Forfar," have recently erected and suitably furnished a commodious prison in the said burgh at the cost of a large sum of money, of which the sum of nine thousand pounds, or thereabouts, is still due and owing on the security of the rates granted by the said recited Act, and another Act passed in the fourth and fifth years of the reign of His late Majesty King William the Fourth, intituled "An Act for the better paving, lighting, watching, and cleansing the burgh of Dundee;" and it is just and reasonable, on vesting the said prison in the said county board, that provision should be made for relieving the said burgh of a portion of the debts contracted for the erection of the same, and still due and owing as aforesaid; be it therefore enacted, that in estimating the sum required for the purposes of this Act to be paid by the county of Forfar and the burghs situate therein, the said county board shall annually add to the assessment within the said county, such a sum as shall be sufficient to pay and keep down the interest on the debts contracted, and still due and owing as aforesaid, and to set aside annually as a sinking fund for the redemption of the principal of the said debts, not less than two pounds ten shillings per centum of such principal as it stood at the passing of this Act; and the sum so estimated shall, in addition to the sums herein otherwise authorized to be assessed, be levied and recovered in the manner provided by this Act with respect to the expense of building and altering local prisons within the said county, and shall be applied by the said county board towards payment of the principal and interest of the said debts as aforesaid: provided always, that in estimating the additional sum to be levied as aforesaid, the said debt shall be taken as not exceeding nine thousand pounds in the whole at the passing of this Act.

Board to provide necessary Prison Accommodation of every Kind.

26. And be it enacted, that the said general board shall be, and they are hereby authorized, as soon after the passing of this Act as they shall find convenient, to alter, enlarge, and complete the said buildings at Perth, and maintain the same as a general prison for the custody of persons convicted of crime whose respective sentences of imprisonment shall be for a period of not less than six months, which prison shall be under the sole and immediate superintendence and management of the said general board; and the said board shall also, so soon as convenient, either by means of the county boards herein established, or, failing them, under their own immediate direction, erect, provide, and maintain prisons, which shall be in such situations as the said general board may think suitable and convenient, including a prison at every town in which circuit courts are held by the court of justiciary, and at every town in which any sheriff is in use to hold courts for the exercise of his ordinary criminal jurisdiction; and such prisons shall be so constructed and fitted up as to afford the best means of carrying into effect the purposes of this Act and the rules to be made in virtue hereof, and particularly for training the prisoners in good and industrious habits, by effecting their complete separation from vicious society, and by affording them religious and moral instruction, and employing them in useful labour.

What Prisoners to be sent to General Prison.

27. And be it enacted, that after the said general prison shall be declared by the said general board to be ready to receive prisoners, it shall be lawful for the said general board to cause all prisoners sentenced to imprisonment, the expiry of whose sentences shall not occur for a period of not less than six months, to be conveyed to the said general prison, and when any criminal court shall, after such declaration, sentence any person tried by such court to a

period of imprisonment for one year or upwards, such court shall insert in the sentence a special order that the prisoner shall be forthwith conveyed to the said general prison at Perth; and where such sentence shall award imprisonment for a period of less than a year, but not less than six months, such court may either order the prisoner to be conveyed to the said general prison, or to any other lawful prison which the court shall think fit; and it shall also in such case be competent to the said general board to order the prisoner to be conveyed to the said general prison at Perth, if they shall think fit; and it shall not be competent for any court to order any prisoner to be condemned to imprisonment for a shorter period than six months to the said general prison: provided always, that nothing herein contained shall interfere with the power of the Court of Justiciary to sentence any prisoner to confinement and detention in a particular gaol.

Separate Confinement regulated.

28. And be it declared and enacted, that separate confinement under the provisions of this Act shall not be deemed solitary confinement within the meaning of any law or statute forbidding the continuance of solitary confinement for more than a limited time: provided always, that no cell shall be used for the separate confinement of any prisoner which is not of such a size, and lighted, warmed, ventilated, and fitted up in such manner, as may be required by a due regard to health, and furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison; and that every prisoner so separately confined shall have the means of taking air and exercise at such times as shall be deemed necessary by the surgeon, and shall be furnished with suitable labour or employment, unless it shall be deemed advisable by the said general board to make and certify a regulation for withholding for a period or periods, not exceeding one calendar month at any one time, such labour or employment; and all prisoners shall be furnished with the means of moral and religious instruction: and it is hereby provided, that no books or printed papers shall be admitted into the general prison or county prisons, but those which shall be chosen by the chaplain for the use of prisoners belonging to the Established Church, and by the general and county boards for the use of other prisoners; and the keeper shall keep a catalogue of all books and printed papers allowed to be admitted into the prison: provided always, that in case there shall be a difference of opinion between the chaplain and the prison board, with respect to the books or printed papers proper to be admitted for the use of prisoners belonging to the Established Church, reference shall be had to the Presbytery of the bounds, whose decision shall be final.

Aliment of Civil Prisoners to remain as at present.

29. Provided always, and be it enacted, that the law relative to the providing of aliment to civil prisoners shall not be altered or affected by anything contained in this Act.

Insane Criminal Prisoners.

30. And in order that due provision may be made for the proper custody, treatment, and maintenance of criminal prisoners, who by reason of insanity or lunacy may be found by the court to be unfit to be brought to trial, or who may upon their trial be found to be insane or lunatic, or to have been so when the offence wherewith they were charged was committed, and who may be detained and subjected to confinement as such, be it enacted, that it shall be lawful for the general board, if they shall think proper, instead of making use of a prison or any portion thereof for the custody of such prisoners, and in addition to the powers herein conferred, to contract and agree with the directors or managers of any public lunatic asylum for the close and safe custody and maintenance of such insane or lunatic prisoners, on such terms as may be agreed upon, and to remove such prisoners to such lunatic asylum: provided always, that all competent right of relief of the expenses incurred in the custody and maintenance of such prisoners against their own estate or funds, or otherwise, shall be and the same is hereby reserved.

Removal of Prisoners.

31. And be it enacted, that the general board may, in pursuance of rules made as aforesaid, and also by orders issued by them from time to time as they shall think proper, direct the removal of all civil or criminal prisoners from one prison to any other prison, situated in the same county, deemed more fit and convenient, such removal, and the prison to which it shall be made, being always entered in the books of the prison from which the removal shall take place; and in the event of its being found necessary to remove any such prisoner to a prison not situated in the same county, it shall be competent to the general board to make application to that effect to the Court of Justiciary, or, in case of a civil prisoner, to the Court of Session, and the said court shall have power to grant warrants for the removal of such prisoners, fourteen days previous notice of such application in writing being always given to such prisoners, and also to the county board to which the removal is proposed to be made; and any letter or written communication of any kind in relation to any such removal, addressed by any prisoner to the clerk of justiciary, or clerk of session, shall, without charge to the prisoner, be submitted to the said Court of Justiciary or Session respectively, before the warrant for removal be granted: provided always, that if it shall be necessary, from the want of accommodation or insufficiency in the prisons of any county, to remove a prisoner to the prison of any other county, the county from which any prisoner shall be for such cause removed shall be charged with a sum double the expense of the conveyance and maintenance of such prisoner, which sum, after defraying such expense, shall be paid to the county into the prison of which such prisoner shall be so removed.

Burgh Gaol being discontinued, Prisoners to be committed to nearest Gaol.

32. And be it enacted, that in case any gaol belonging to any royal burgh shall be discontinued or done away, it shall be competent to the magistrate or magistrates of such burgh to commit prisoners to the nearest adjoining gaol to the said burgh, in such and the like manner as such magistrate or magistrates would have been entitled to commit prisoners to the gaol of the said burgh.

Where Imprisonment expires on Sunday.

33. And be it enacted, that whenever the period which any prisoner may be sentenced to remain in confinement shall expire on Sunday such prisoner shall not be released till the day following.

Board may provide for travelling Expenses of Prisoners discharged at a Distance from their usual Residence.

34. And be it enacted, that it shall be lawful for the said general board to cause prisoners about to be discharged from the said general prison to be conveyed in custody to the prison nearest to the place of their respective residences, or in the county where the crime may have been committed, in such time as to admit of their being there liberated on the expiry of their sentences, or otherwise, at their discretion, to direct reasonable sums of money to be paid to such prisoners, in such manner, and at such place or places as the said board shall direct, in order to provide for their necessary travelling expenses to their usual place of residence, or to provide for such travelling expenses in such other way as the said board may deem proper.

Expense of fitting up a General Prison.

35. And be it enacted, that the expense of converting the said building at Perth into a general prison, and of furnishing and completing the same, shall be paid as follows; namely, ten thousand pounds thereof shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the remainder, to an amount not exceeding twenty thousand pounds, shall be paid by the different counties of Scotland and burghs situated therein, and shall be apportioned among such counties, including burghs as aforesaid, according to a scale of proportion of assessment to be framed on a combined estimate of the amount of population and crime in such counties, provided that such assessment shall not in any one year exceed the sum of two thousand pounds; and the said general board are hereby authorized and required, as soon as may be after the passing of this Act, to ascertain and determine as nearly as may be such relative population, and also to ascertain and determine, in such way as they may think most just, the amount of crime in each county; and the said board shall frame a scale of proportions of assessments for the several counties according to a combined estimate of such population and crime; that is to say, the said board shall first calculate what each county would have to contribute if the assessment depended on population alone, and shall then calculate what each county would have to contribute if the assessment depended on crime alone, and the half of the two amounts in any case shall be the sum to be paid by each county, including the burghs therein, and such assessment shall be final for the purposes of this Act; and the said general board shall give notice of such apportionment to the convener of the commissioners of supply of each county, and to the chief magistrate or administrator of the affairs of each burgh, on or before the fifteenth day of April then next ensuing: provided always, that notice shall be held to be duly given by letter sent by the general post, properly addressed, containing such notice.

Expense of building local Prisons.

36. And be it enacted, that the expense of building, altering, and repairing the local prisons shall be defrayed exclusively by the counties wherein such prisons are respectively situated, by an assessment to be levied annually upon such counties and burghs situated therein, provided that such assessment shall not in any one year exceed the amount in which the county wherein the same is situated would be liable, on the footing of the sum of ten thousand pounds being assessed for the year upon all the counties in Scotland, in the same manner as the said sum of two thousand pounds is herein ordered to be assessed, unless with the consent of the commissioners of supply of such county assembled to choose the county board as aforesaid, or at an adjourned meeting, not being later than the thirtieth day of November immediately following, and of the magistrates of the several burghs therein assembled for the said purpose as aforesaid; but, with such consent, it shall be lawful to add to the ordinary maximum assessment of such county, and burghs situated therein, such sum for the said purpose of local building, repairing, or altering as may be required and be so consented to: provided always, that the said additional sums for the building, repairing, and altering of prisons shall be so assessed as to distribute its amount over as many years as the commissioners of supply, and the said magistrates in consenting to such additional assessment shall have declared to be expedient, not exceeding those which may have to elapse before the expiration of this Act; and it shall be in the power of the general board to borrow money on the credit of such assessment.

Expense of Establishment and current Expenses of General Prison.

37. And be it enacted, that the current annual expenses of the establishment of the general prison of Perth, including the expense of transmitting prisoners to and from the said general prison, the expense of aliment of prisoners while there, and all the expenses of the said general board, (excepting the salary of the secretary,) shall be defrayed by an assessment upon such counties, including the burghs therein, according to a proportion corresponding to the number of prisoners which shall be ascertained to have been sent to the said general prison from such counties respectively in the preceding year, and the duration of the imprisonment of such prisoners; and in case there shall be any deficiency in the proportion of the assessment of any county towards the fund for so defraying the expense of the general prison, and other expenses aforesaid, in any year, such deficiency shall be made up by the assessment for the subsequent year upon such county according to its liabilities as aforesaid; and in case there shall be any surplus in the proportion of the assessment of any county towards such fund, an abatement of the assessment upon such county shall be allowed according to its liability as aforesaid, and so from year to year; and the assessments necessary for the defraying all such expenses as the same shall be ascertained and directed by the said general board, by a certificate issued by them, which shall be conclusive: provided always, that to meet the expense of the first year the sum of five thousand pounds shall be assessed upon the counties, including the burghs as aforesaid, in the same proportion and manner as the said sum of two thousand pounds herein authorized to be assessed is authorized to be assessed.

Aliment of Prisoners and Expense of County Gaols.

38. And be it enacted, that the expense of transmitting prisoners from one local prison to another, the expense of the aliment of prisoners in the county gaols, and generally the current expenses of such gaols, shall be defrayed by the counties respectively in which such gaols are situated, by assessment upon such counties and burghs therein situated as herein provided, according to the amount of the expenses of the preceding year; provided that the assessment shall be to such an amount as the county board shall from year to year fix and

determine at a meeting to be held for that purpose in the month of September annually; and in case of any deficiency or surplus in such assessment in any year, or in any annual assessment hereby authorized to be imposed, the same shall be made up or allowed at the next annual assessment, in such and the like manner as any deficiency or surplus is hereinbefore directed to be made up or allowed in relation to the annual assessment for defraying the expense of the general prison; and provided also, that where the Court of Justiciary, or any competent court, shall sentence a prisoner to be confined in the gaol of any county, not being the county in which the crime for which the prisoner has been so sentenced was committed, such county shall be entitled to be relieved of all expenses relative to such prisoner by the county within which the offence was committed.

Assessment on County and Burghs therein how apportioned.

39. And be it enacted, that the amount of the sums to be assessed upon each county, including the burghs therein, shall be apportioned upon and divided between the burghs and landward parts of such counties, according to the relative population of such burghs and landward parts respectively; and the said general board shall give notice to the convener of the commissioners of supply of each county respectively for such county, and to the chief magistrate or administrator of the affairs of each burgh for such burgh, of the whole sums or proportions to be levied annually on such burghs and the landward parts of such counties respectively.

Board to make an Estimate of Sums required, and Estimate to be laid before Secretary of State and Parliament.

40. And be it enacted, that on or before the fifteenth day of February, in the year one thousand eight hundred and forty, and on or before the like period in every succeeding year, the said general board shall make and transmit to one of Her Majesty's principal Secretaries of State an estimate of the sums which they shall require in the execution of this Act, during the year from the first day of January to the thirty-first day of December of the current year; and such estimate shall form part of the annual report hereinbefore directed to be made to such Secretary of State, and to be by him laid before both Houses of Parliament, and shall set forth, in a separate and distinct manner, the purposes for which the sums therein contained shall be required, and in particular shall distinguish the expense of building, altering, and repairing local prisons, as applicable to each county respectively; and the said estimate shall not be acted upon or apportioned, in manner hereinafter provided, until the expiration of one month after the same shall have been so laid before Parliament, and the approval of Her Majesty's principal Secretary of State as aforesaid shall have been signified to the board.

Assessment authorized on landward Parts of Counties.

41. And be it enacted, that the portion of the gross amount of the foresaid estimated sums which shall be annually apportioned by the board on the several landward parts of counties as aforesaid shall be assessed, by or under the authority of the commissioners of supply of each county, as follows; namely, upon all property contained in the valuation books of such county, according to the valued rent of such property; and upon all houses within such landward part of a county, and also upon all land within such landward part of a county not valued in the said valuation books, according to the annual value of such houses and land; that is to say, for every five pounds Scots that shall be assessed on every hundred pounds Scots of the valued rent of property there shall be assessed the sum of one penny sterling on every pound sterling of the annual value of such houses and land; but it is hereby expressly provided and declared, that houses situated on lands valued in the valuation books of the said county, and chargeable to the proprietors of such house with assessment imposed by this Act on property so valued to a greater amount than the sum for which the said houses would be chargeable under this Act, shall not also be liable to the assessment hereby imposed on houses; and the said commissioners in the several counties are hereby authorized and required, as soon as conveniently may be after notice as aforesaid to the convener of such county, to lay on and collect, or direct the laying on and collecting, of the sum apportioned on each respective landward part of a county, together with such further sum as may be necessary to cover expenses of assessment, collection, and remittance, and any arrears of preceding years, in the proportions aforesaid, and in such manner and by such meetings of the said commissioners or committees of their own number, and by such sworn surveyors or valuators, collectors or other persons, as they shall from time to time appoint; and the said commissioners, and their convener and collector in the several counties, shall remit the whole sum apportioned at their risk, and free of all expenses, to the said county board, through one of the incorporated banks in Scotland, within eight months after notice to the convener as aforesaid, with legal interest thereafter of the same, or any balance thereof, until paid; and the said county boards shall in like manner remit to the general board such portion of the assessment as the said general board shall certify to be due in terms of this Act: provided always, that on the occasion of the first assessment, the time to be allowed for remitting the said sum shall be twelve months instead of eight months, as before provided.

Assessment on landward Parts of Counties may be made according to real Value.

42. And be it enacted, that instead of the assessment on property, houses, and land, situated in landward parts of counties, being made on the valued rent of such property, and the annual value of such houses and land, in manner aforesaid, it shall be lawful for the commissioners of supply of any county, if they shall so determine at one of their usual meetings, due notice having been given by advertisement in two newspapers in general circulation in such county, at least one month previous to such meeting, by the clerk of supply, on requisition to that effect by not less than seven of such commissioners, to assess the sums which shall be annually apportioned as aforesaid on the landward part of such county, according to the real annual value of the whole lands, teinds, fishings, mills, mines, minerals, lime works, brick works, iron works, factories, and manufacturing establishments, coal works, quarries, canals, railways, houses, buildings, and pertinents, situated in the landward part of such county, or in any other manner in use in such county, for any general assessment thereon for any public purpose that may appear to the said commissioners, at such meeting, to be more

equitable and convenient, the mode of assessment to be proposed at such meeting being publicly notified in the said requisition and advertisements: provided always, that any valuation required to be made in order to such assessment shall from time to time, at intervals of not less than three years, be made by and under the direction and at the expense of such commissioners, which they are hereby empowered to do, by sworn surveyors or valuators appointed by them for that purpose, in such manner as to them may seem fit, and at the same time to include in such assessment the expense of making such valuation.

Assessment of Canals and Railways.

43. And be it enacted, that in cases where any canal or railway shall pass through or be situate in more than one county, the proportion of the annual value thereof on which such assessment shall be made for each such county shall be according to the number of miles or distance which such canal or railway passes through or is situated in each county.

Assessment in Orkney and Zetland, and Ross and Cromarty.

44. And be it enacted, that in the county of Orkney and Zetland the assessment authorized by this Act shall be levied, in manner and with the powers aforesaid, by the commissioners of the land tax, upon property in the landward part of the said county, along with the land tax, and in like manner therewith, and shall be apportioned upon Orkney and Zetland respectively, according to the existing proportions in which the land tax is levied on them respectively, and upon the houses in the said landward part of the county, according to the annual value of such houses: provided always, that in Zetland, the valuation by merks land shall be substituted in place of valued rent in other counties, and that one merk land shall be deemed and taken as equal in value to two pounds Scots of valued rent: provided further, that the commissioners of supply for the counties of Ross and Cromarty, and also for that portion of the county of Nairn which is locally situated in the county of Ross, shall meet together for the purposes of this Act, at the usual place of meeting of the commissioners of supply of the county of Ross, and shall exercise the powers conferred by this Act on commissioners of supply, with respect to the said counties of Ross and Cromarty, and the said portion of the county of Nairn.

Mode of levying Assessment in Counties.

45. And be it enacted, that the assessment authorized by this Act to be assessed and collected within landward parts of counties may be levied either on the proprietor or the tenant; but such tenant, in case of his paying the same, shall be entitled to deduct the amount from the rent payable by him: provided always, that where such assessment on houses shall be of very small amount, it shall be competent to the said commissioners to make postponement in the collection of the same, to the effect of collecting two or more years' assessment on houses at one time, as they may think proper.

Assessment authorized on Burghs.

46. And be it enacted, that the portion of the gross amount of the foresaid estimated sums which shall be annually apportioned by the board on the several burghs as aforesaid shall be assessed, by or under the authority of the magistrates of each burgh, on the annual value of property within the same; and the said magistrates of the several burghs are hereby authorized and required, as soon as conveniently may be, after notice as aforesaid by the county boards to the chief magistrate, to lay on and collect, or direct the laying on and collecting, of the sum apportioned on each respective burgh, with such further sum as may be necessary to cover expenses and risk of assessment, collection, and remittance, and any arrears of preceding years, in like manner and with the same powers and right of action and diligence, and of using summary warrants and proceedings for the recovery of the same, as may be competent with respect to any municipal or police or general assessment with which the said magistrates may deem it most expedient that the sum apportioned as aforesaid should be laid on and collected, and any board or other public body which may be directed by the magistrates of any burgh to lay on and collect the said assessment are hereby empowered and required to do so; and the said magistrates shall, at their risk, and free of all expenses, remit the whole sum apportioned to the county board, through one of the incorporated banks in Scotland, within eight months after notice to the chief magistrate as aforesaid, with legal interest thereafter of the same, or any balance thereof, until paid; and the said county board shall in like manner remit to the general board such portion of the assessment as the said general board shall certify to be due, in terms of this Act, as already provided in the case of assessments on the landward parts of counties: provided always, that on the occasion of the first assessment, the time to be allowed for remitting the said sum shall be twelve months instead of eight months, as before provided.

Mode of Collection in Burghs where no other general Assessment.

47. And be it enacted, That in any burgh, or part thereof, in which there may be no municipal or police, or other general assessment or any burgh in which it may appear to the magistrates to be inexpedient to levy the assessment hereby authorized along with any other existing assessment, the sums annually apportioned in such burgh as aforesaid shall be assessed and collected, by or under the authority of the magistrates thereof, on the annual value of property within the same, in such manner as they shall think just; and, for this purpose, the magistrates of any such burgh are hereby authorized and required to appoint sworn surveyors or valuators and collectors, and to lay on and collect, or to direct the laying on and collecting, the sum apportioned on such burgh, with such further sum as may be necessary to cover expenses and risk of assessment, collection, and remittance, and any arrears of preceding years, the whole sum apportioned to be remitted as aforesaid within eight months after notice to the chief magistrate as aforesaid, with legal interest thereafter of the same, or any balance thereof, until paid: provided always, that on the occasion of the first assessment, the time to be allowed for remitting the said sum shall be twelve months instead of eight months, as before provided.

Annual Value defined.

48. And be it enacted, that the said annual value of the various kinds of property to be rated under the authority of this Act, shall be taken to be the rent at which, one year with another, the same might in their actual state be reasonably expected to let from year to year, under deduction of the probable annual average cost of the repairs, insurance, and other expenses, if any, necessary to maintain the heritages in their actual state, and all rates, taxes,

and public charges payable in respect of the same; provided that no mine shall be assessed unless it has been worked during some part of the year preceding the day on which the assessment may be ordered to be levied.

Common Good and Revenues of Burghs may be applied in payment of Assessment.

49. Provided always, and be it enacted, that in any burgh in which the free yearly proceeds of the common good, property, and revenues thereof, may be judged by the magistrates thereof to be sufficient to pay the sum, or any part thereof, annually apportioned on such burgh as aforesaid, after defraying the ordinary municipal and police charges and expenses, and other annual burdens chargeable on such common good, property, or revenues, including the interest of debts due by such burgh, it shall be competent to the magistrates thereof to pay so much of the sum so apportioned on such burgh as is due by that part of the burgh entitled to such common good, property, and revenues.

Assessment within Burghs to be divided between Landlord and Tenant.

50. And be it enacted, that the assessment authorized by this Act to be assessed and collected within burghs shall be payable by the tenant or occupant of property assessed; but such tenant or occupant by whom such assessment shall be paid shall be entitled to deduct one-half of such assessment from the rent payable to the proprietor or person by whom such property was let; and such assessment shall be payable at such terms as the magistrates may appoint: provided that one-half of such assessment may be levied directly from the proprietor of property assessed within the burgh: provided also, that where the rent is under five pounds the magistrates of any burgh may remit, on account of poverty, the whole or any part of the assessment authorized by this Act to be levied from any tenant or occupant of property within burgh.

Tenants under Building Leases to be held Proprietors.

51. And be it enacted, that where houses in counties or burghs have been or shall be built by the tenant of any land held under lease upon such land, the tenant and his heirs and assignees in such lease shall, for the purposes of this Act, be deemed and taken to be the proprietors of such houses.

Counties may unite for the Expense of certain local Prisons.

52. And be it enacted, that for the purpose of erecting and maintaining local prisons for the custody of prisoners after conviction only, and paying the cost of such prisons and prisoners, the commissioners of supply of two or more counties, and the magistrates of the burghs in the said counties, at their meetings respectively to elect the county boards, shall have power to form a union of their respective counties upon such terms as they may agree upon, and as may be approved of and confirmed by the general board: provided always, that in the towns of Cupar Angus and Galashiels it shall be lawful to admit prisoners before conviction into any prison which may be erected and maintained at the mutual expense of the adjoining counties within which such towns are situated.

Commissioners of Public Works may issue Exchequer Bills to the Boards.

53. And be it enacted, that it shall be lawful for the Commissioners for the Issue of Exchequer Bills in aid of Public Works, under the provisions of the several Acts already passed or which may hereafter be passed for regulating their proceedings, from time to time to make advances to the said general board or county boards, or any of them, on the security of the property and assessments vested in the said boards and to be raised by virtue of this Act, and which security the said boards are hereby authorized to give, in such form, upon such terms, and to such effect as the said commissioners may direct and appoint, for securing the repayment of the principal of the said advance by instalment before the expiry of this Act, with interest not exceeding five pounds per centum per annum on the principal money from time to time remaining unpaid.

Securities not to be affected for Want of Form.

54. And be it enacted, that no security to be given to the said Commissioners for the Issue of Exchequer Bills in aid of Public Works by the said boards shall be affected by any informality on the part of the said boards or their secretary or any other person, and that the security to be given to the said commissioners shall have and be entitled to priority over all other securities, of what nature or kind soever, which shall be granted by the said boards, until the sums secured to the said commissioners, with interest thereon, and all charges relating thereto, shall be fully paid and satisfied.

Monies payable to the Board to be paid into an incorporated Bank.

55. And be it enacted, that all sums of money payable to or on account of any one of the said boards shall be without delay paid into one of the incorporated banks in Scotland in the name of the said boards; and the account kept by the board with such bank or banks shall only be operated on by drafts or orders signed by not less than three of the directors of the said board; and it shall not be lawful for the secretary to the board, or any person intrusted with the receipt of the monies belonging thereto, to retain in his hands, of such monies, any sum exceeding fifty pounds beyond such time as may be necessary for paying the same into an incorporated bank, declaring that such secretary or any such person shall be liable in a penalty at the rate of five pounds for every one hundred pounds for each day during which the same may have been so unnecessarily retained.

Visitation and Inspection of Prisons.

56. And be it enacted, that it shall be lawful for Her Majesty's principal Secretaries of State, or any persons appointed by them or any of them, Her Majesty's lord lieutenants of the several counties, the members of Her Majesty's Privy Council, the judges of the Court of Session or court of Justiciary, and the members of the said board of directors of prisons, and also for all sheriffs, conveners of the commissioners of supply of counties, justices of the peace, chief magistrates and bailies of burghs, members of the county prison boards, and committees thereof, and for committees of not more than three of the councillors of burghs to be appointed by such commissioners and magistrates respectively, all within their several counties and burghs, and also for all persons to whom the board may grant such permission, to visit and inspect the state and condition of the several prisons, and discipline of prisoners therein, and from time to time, as they shall see cause, to report their observations to the general board, who shall give speedy and attentive consideration thereto; and copies of the annual reports of the proceedings of the general board, as before provided and required by this Act to be transmitted to the Secretary of State and laid before Parliament, shall be transmitted by the board to all

the aforesaid persons who may desire the same, as soon as conveniently may be after the preparation and transmission thereof to the Secretary of State.

Boundaries of Burghs.

2 & 3 W. 4, c. 65.

57. And be it enacted, that the limits and boundaries of the said burghs shall, for the purposes of this Act, be taken and held to be according to the description and specification of such limits and boundaries determined by an Act passed in the second and third years of the reign of His late Majesty King William the Fourth, intituled "An Act to amend the representation of the People in Scotland:" provided always, that in any burgh in which the ordinary jurisdiction of the magistrates shall not extend over the whole of the said boundaries, it shall be lawful to exclude therefrom, for the purposes of this Act, such part thereof, being beyond the ordinary jurisdiction of the magistrates, as may be mutually agreed on by the magistrates of the burgh and the commissioners of supply for the county, or, in case of disagreement, as shall be determined by the sheriff of the sheriffdom in which such burgh shall be situated: provided also, that if the boundaries of any burgh shall not be determined by the said recited Act the same shall be determined by agreement between the magistrates and commissioners of supply, and, failing such agreement, by the sheriff as aforesaid: provided further, that in cases where a burgh is situated partly in one county and partly in another, the boundaries of the said burgh shall be determined by the commissioners of supply of the two counties and the magistrates of the two divisions of the burgh, or, in case of disagreement, by the sheriff of that county in which the greater part of such burgh may be situated: provided also, that the general board shall not be required to give effect to any agreement or decision respecting the boundaries of a burgh unless the same be made, and notice thereof sent to the said board, on or before the thirteenth day of November one thousand eight hundred and forty: provided also, that in cases where a burgh is divided into two or more municipalities the magistrates of such burgh shall for the purposes of this Act be taken to be the magistrate of that municipal division which contains the greatest population.

Corporate Bodies, Heirs of Entail, and others may convey Property to the General Board.

58. And be it enacted, that it shall be lawful for any body politic, corporate, or collegiate, heir of entail, tutor, trustee, or any other person, although under any legal disability or incapacity, who shall be vested and seised in or possessed of any lands, houses, or heritages which the said general board or which any county board may desire to purchase or acquire for the purposes of this Act, to sell, dispone, and convey the same to the said board, for such fair and adequate price as shall be agreed upon; and all such conveyances, and the titles to be made up thereupon in favour of the board, or their trustees or secretary, shall be in common form, and shall be valid and effectual; and all such bodies politic, heirs of entail, and other persons so conveying are hereby indemnified for or in respect of such conveyance which they or any of them shall make in pursuance of this Act.

Application of the price.

59, And be it enacted, that if any price agreed to be paid by the said general or county board for any such lands, houses, or heritages, to or on behalf of any corporate body, heir of entail, pupil, or other person under disability or incapacity, shall exceed the sum of twenty pounds, the same shall be paid into one of the incorporated banks in Scotland to an account in the names of two persons, one to be named by the said board and the other by the persons making such conveyance: and such price shall be applied, under the direction of the Court of Session, obtained upon a petition presented in a summary way to the court by the said two persons, in the purchase of the land tax, or towards the discharge of debt or other incumbrance, or in the purchase of lands, houses, or heritages, or in such other manner, being to the same or the like uses and purposes as those upon which the property so conveyed stood settled or invested, as the said court shall direct; and if any price agreed to be paid as aforesaid shall be less than twenty pounds, the same shall be paid to the person or persons making such conveyance: provided always, that the said board shall not be responsible for the application of any such price paid by them in terms of this Act.

Disputes arising as to Assessment to be summarily settled by the Sheriff, in case of no other Mode.

60. And be it enacted, that any dispute which may arise in adjusting the boundaries of any burgh as aforesaid, or any dispute which may arise in assessing or collecting the assessments authorized by this Act, between the commissioners of supply of counties, or the magistrates of burghs, or the assessors, collectors, or others acting under them, on the one part, and any person aggrieved on the other part, for the settlement of which dispute no provision shall be made under the authority of this Act, and in case it shall not be convenient to raise and determine the same in the sheriff's small debt court, shall be determined in a summary way by any sheriff of the sheriffdom in which such dispute shall arise, who shall, on a written petition being presented to him by the procurator fiscal or by either of the aforesaid parties, appoint the said parties to appear before him, when he shall hear them, investigate the matter in dispute in such way as he may think proper, and decide the same summarily; and such decision shall be final, and shall not be liable to appeal or to suspension, advocation, or reduction, or any other form of review, except in the case of any canal or railway situated in more than one county, where the proprietors thereof, feeling themselves aggrieved by any decision of the sheriff, may appeal from the same to the court of session.

Provision for Refusal or Neglect by Commissioners of Supply and others.

61. And be it enacted, that in case any convener or commissioners of supply of counties, or persons appointed or directed by them, or any magistrates of burghs, or persons appointed or directed by them, shall refuse or neglect to do what is herein required of such persons respectively, or in case any obstruction shall arise in the execution of this Act, it shall be lawful for the said board to apply by summary petition to the Court of Session, or during the vacation of the said court to the Lord Ordinary on the bills, which court and Lord Ordinary are hereby authorized and directed in such case to do therein as to such court or Lord Ordinary shall seem just and necessary for the execution of the purposes of this Act.

Warrants and Proceedings for Recovery of Land and Assessed Taxes

62. And be it enacted, that the whole powers and right of issuing summary warrants and proceedings, and all remedies and provisions enacted for collecting, levying, and recovering the land and assessed taxes, or either of them, and other public taxes, shall be held to be appli-

applicable to Assessments under this Act.

cable to the said assessments under this Act; and the sheriffs, magistrates, justices of the peace, and other judges may grant the like warrants for recovery of all such assessments, in the same form and under the same penalties as is provided in regard to such land and assessed taxes and other public taxes; and all assessments imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be paid out of the first proceeds of the estate, and shall be preferable to all other debts of a private nature due by the parties assessed.

Interpretation of Words.

63. And be it enacted, that the following words and expressions used in this Act shall in the construction thereof be interpreted as follows, except where the nature of the provision or the context of the Act shall be repugnant to such construction; that is to say, the word "prison" shall extend to and include every gaol, bridewell, house of correction, penitentiary, lock-up house, or other house or place in which persons may be legally confined as civil or criminal prisoners, having regard in each case to the nature of the prison as declared and intimated by the board, and to the description of prisoners in question; "burgh" shall include and apply to the cities, burghs, and towns which are royal burghs, or which send or contribute as burghs to send a member to Parliament; "magistrates of burghs" shall include the lord provost, or provost or chief magistrate, and magistrates and council of burghs; "sheriff" shall include sheriff substitute and stewart substitute; "landward part of a county" shall include and apply to a county exclusive of the burghs situated therein; "property," in landward parts of counties, shall extend to and include all descriptions of property valued in the cess or valuation books of counties; "houses" shall extend to and include dwelling houses, shops, warehouses, mills, and manufactories; "property" in burghs, shall extend to and include houses, shops, warehouses, mills, manufactories, cellars, gardens, yards, and all buildings and pertinents thereof; "civil prisoner" shall include all persons imprisoned for civil debt, or *ad factum præstandum*, or generally at the instance of a creditor for performance of civil obligation; "criminal prisoner" shall include all other descriptions of prisoners; "person" shall extend to a body politic, corporate, or collegiate; and every word importing the singular only shall extend to several persons or things as well as one person or thing; and every word importing the plural shall be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend to a female as well as a male.

All Acts repealed which are at variance with this Act.

64. And be it enacted, that from and after the first day of July, one thousand eight hundred and forty, all laws, statutes, and usages shall be and the same are hereby repealed in so far as they are at variance or inconsistent with the provisions of this Act: provided always, that the same shall continue in force in all other respects.

Act to continue in force for Ten Years.

65. And be it enacted, that, unless where otherwise hereinbefore specially provided, this Act shall commence and take effect from the passing thereof, and shall continue in force for the period of ten years from and after the first day of January, one thousand eight hundred and forty-one, and from thence to the end of the then next session of Parliament.

Act may be altered, &c.

66. And be it enacted, that this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

No. II.

WARRANT appointing Directors of Prisons in Scotland.

VICTORIA R.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

Whereas, by an Act passed in the present session of Parliament, intituled "An Act to improve Prisons and Prison Discipline in Scotland," it is, amongst other things, recited, that it is expedient, with the view to the adoption of efficient means for the punishment and repression of crime, and reformation of criminals, that provision should be made for the erection and maintenance of more secure and convenient prisons, and for the better management thereof, and the establishment of a well regulated system of prison discipline, by the appointment of a board of directors of prisons, acting on a uniform system, and invested with power to erect and maintain proper prisons, and regulate the discipline and management of all prisons in Scotland, and for raising the necessary funds, by means of a general assessment on property within the several counties and burghs in manner in the said Act to be provided. And whereas it is by the said Act, among other things, enacted, That a general board of directors should be, and the same was thereby established, for carrying into effect the purposes of the said Act; and that the said board should consist of the persons following; namely, the Lord Justice General in Scotland, the Lord Justice Clerk, the Lord Advocate, the Solicitor-General, the Dean of Faculty of Advocates, all for the time being, together with fourteen other persons, five of whom should be persons holding, or who should have held, the office of Sheriff Depute, whom it should be lawful for Us, after the passing of the said Act, by warrant under our royal sign manual to appoint; and that the said board should be styled, "The general Board of Directors of Prisons in Scotland;" and that the said board might sit from time to time as they deemed expedient, as a board of directors for carrying the said Act into execution. And that it should be lawful for Us, our heirs and successors, to remove any of the said members of the board, or any member thereof, to be thereafter appointed, and to supply any vacancy which might occur in the said board. Now, We therefore, by this instrument in writing, signed with our royal sign manual, do name and appoint, and have, by this instrument, signed with our royal sign manual, named and appointed, in terms of and in conformity to the said recited Act, and for the purposes, and with the powers therein contained, and to be directors, to act along with the directors thereby specially appointed, and for the purposes and with the powers aforesaid, the persons herein after mentioned, viz.,—Our right trusty and entirely beloved cousin, John Marquess of Breadalbane, Knight of the most ancient and most noble order of the Thistle; our right trusty and well-beloved cousin, James Andrew Earl of Dalhousie; our right trusty and right well-beloved cousin and councillor, Archibald John Earl of Roseberry; our right trusty and well-beloved cousin and councillor, Robert Viscount Melville, Knight of the most ancient and most noble order of the Thistle; our right trusty and well-beloved Robert Montgomery Lord Belhaven; our trusty and well-beloved Fox Maule, (commonly called the Honourable Fox Maule,) our right trusty and well-beloved councillor, Sir William Rae, Baronet, and our trusty and well-beloved Thomas Maitland, Esquire, advocate, John Shaw Stewart, Esquire, advocate, Alexander Earle Monteith, Esquire, advocate, Adam Anderson, Esquire, advocate, Graham Spiers, Esquire, advocate, Frederick Hill, Esquire, and John Wigham Junior, Esquire.

Given at Our Court at Saint James's, the Twenty-Second day of August, 1839,
in the Third Year of Our Reign.
By Her Majesty's Command,
(Signed) J. RUSSELL.

No. III.

COMMISSION appointing Andrew Murray, Junior, Esquire, to be Secretary to the General Board of Directors of Prisons in Scotland.

VICTORIA R.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

To our trusty and well-beloved Andrew Murray, Junior, Esquire, greeting. Whereas, by an Act passed in the present session of Parliament, intituled "An Act to improve Prisons and Prison Discipline in Scotland," it is amongst other things enacted, that it shall be lawful for us, our heirs and successors, to appoint a fit person to be Secretary to the general board of directors of prisons in Scotland, established for carrying into effect the purposes of the said recited Act; now, know ye, that We, being satisfied of your fitness and qualifications for the said office, have appointed, and do by these presents, in pursuance of the powers vested in Us by the said Act, appoint you to be Secretary to the general board of directors of prisons in Scotland.

Given at Our Court at St. James's, the Twenty-Fourth day of August, 1839,
in the Third Year of Our Reign.
By Her Majesty's Command,
(Signed) J. RUSSELL.

Addressed,
Andrew Murray, Junior, Esq., Secretary to the General
Board of Directors of Prisons in Scotland.

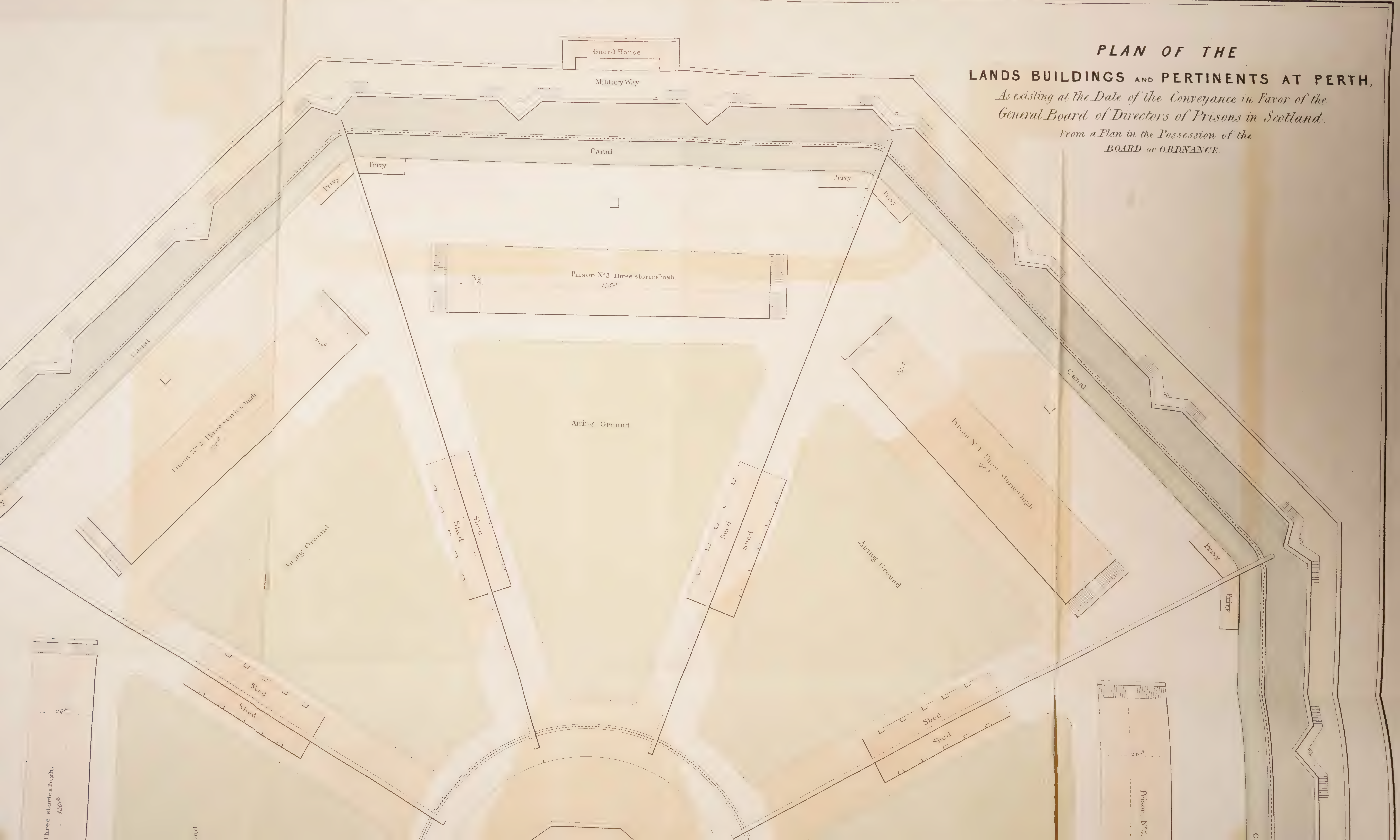
Appendix No IV. to 1st Report of Directors of Prisons in Scotland.

PLAN OF THE

LANDS BUILDINGS AND PERTINENTS AT PERTH,

As existing at the Date of the Conveyance in Favor of the General Board of Directors of Prisons in Scotland.

From a Plan in the Possession of the BOARD OF ORDNANCE.


Guard House
Military Way
Canal
Canal
Canal
Privy
Privy
Privy
Privy
Privy
Privy
Prison No 3. Three stories high.
138ft
Airing Ground
Airing Ground
Airing Ground
Prison No 2. Three stories high.
130ft
26ft
26ft
Prison No 4. Three stories high.
130ft
Shed
Shed
Shed
Shed
Shed
Shed
Shed
Shed
Three stories high.
130ft
26ft
Prison No 5.
26ft

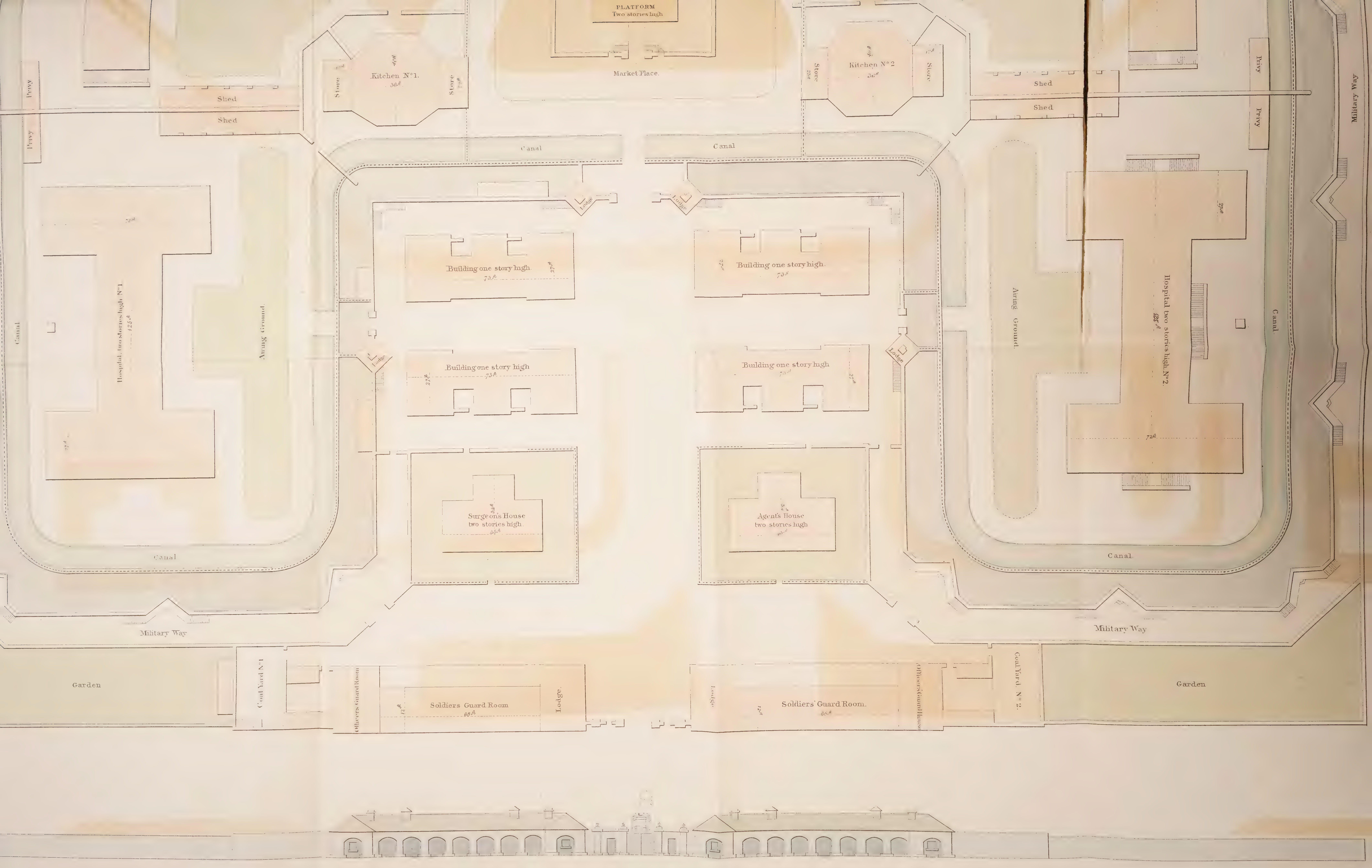
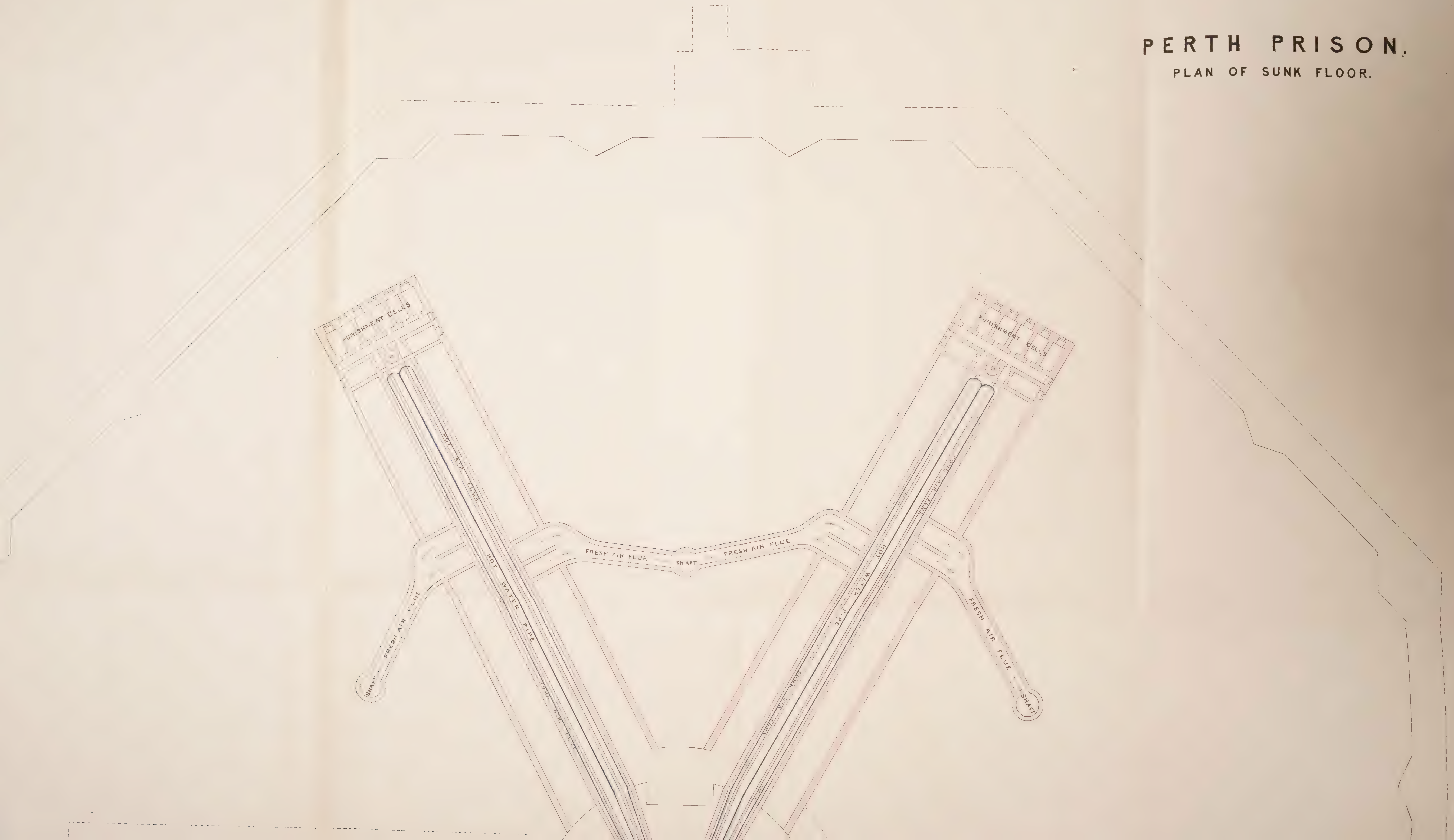
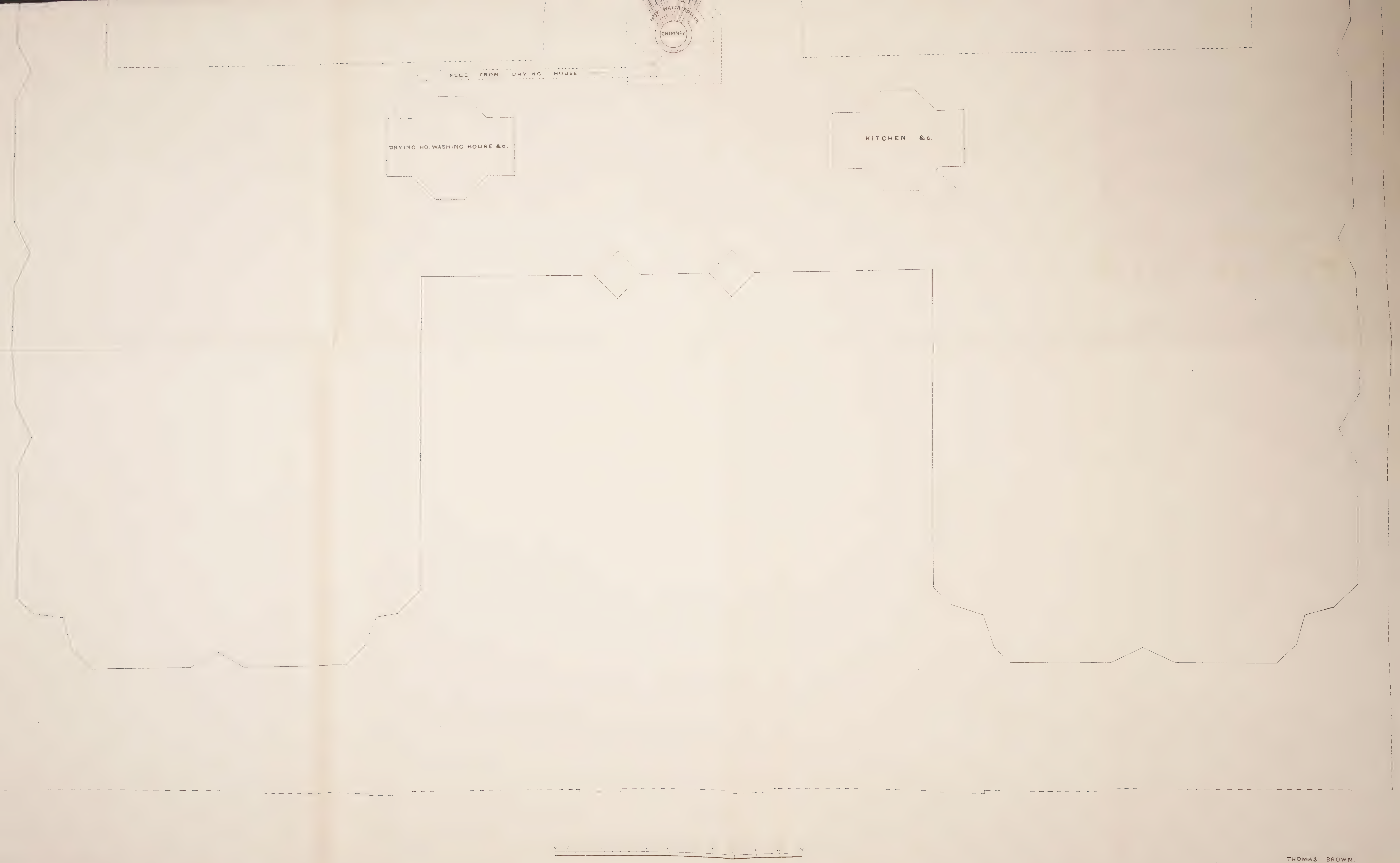

PLATFORM
Two stories high
Market Place.
Kitchen N°1.
Kitchen N°2
Store
Shed
Privy
Canal
Lodge
Building one story high
73ft
27ft
Hospital two stories high N°1.
125ft
72ft
Hospital two stories high N°2.
Airing Ground
Surgeon's House
two stories high.
Agent's House
two stories high
Military Way
Garden
Coal Yard N°1
Coal Yard N°2.
Officers Guard Room
Officers Guard House
Soldiers Guard Room
Soldiers' Guard Room.
12ft
68ft

Plate No. 1

PERTH PRISON.

PLAN OF SUNK FLOOR.


PUNISHMENT CELLS
HOT AIR FLUE
HOT WATER PIPE
FOUL AIR FLUE
FRESH AIR FLUE
SHAFT
FRESH AIR FLUE
SHAFT
FRESH AIR FLUE
PUNISHMENT CELLS
FOUL AIR FLUE
HOT WATER PIPE
FOUL AIR FLUE
FRESH AIR FLUE
SHAFT


HOT WATER BOILER
CHIMNEY
FLUE FROM DRYING HOUSE
DRYING HO. WASHING HOUSE &c.
KITCHEN &c.

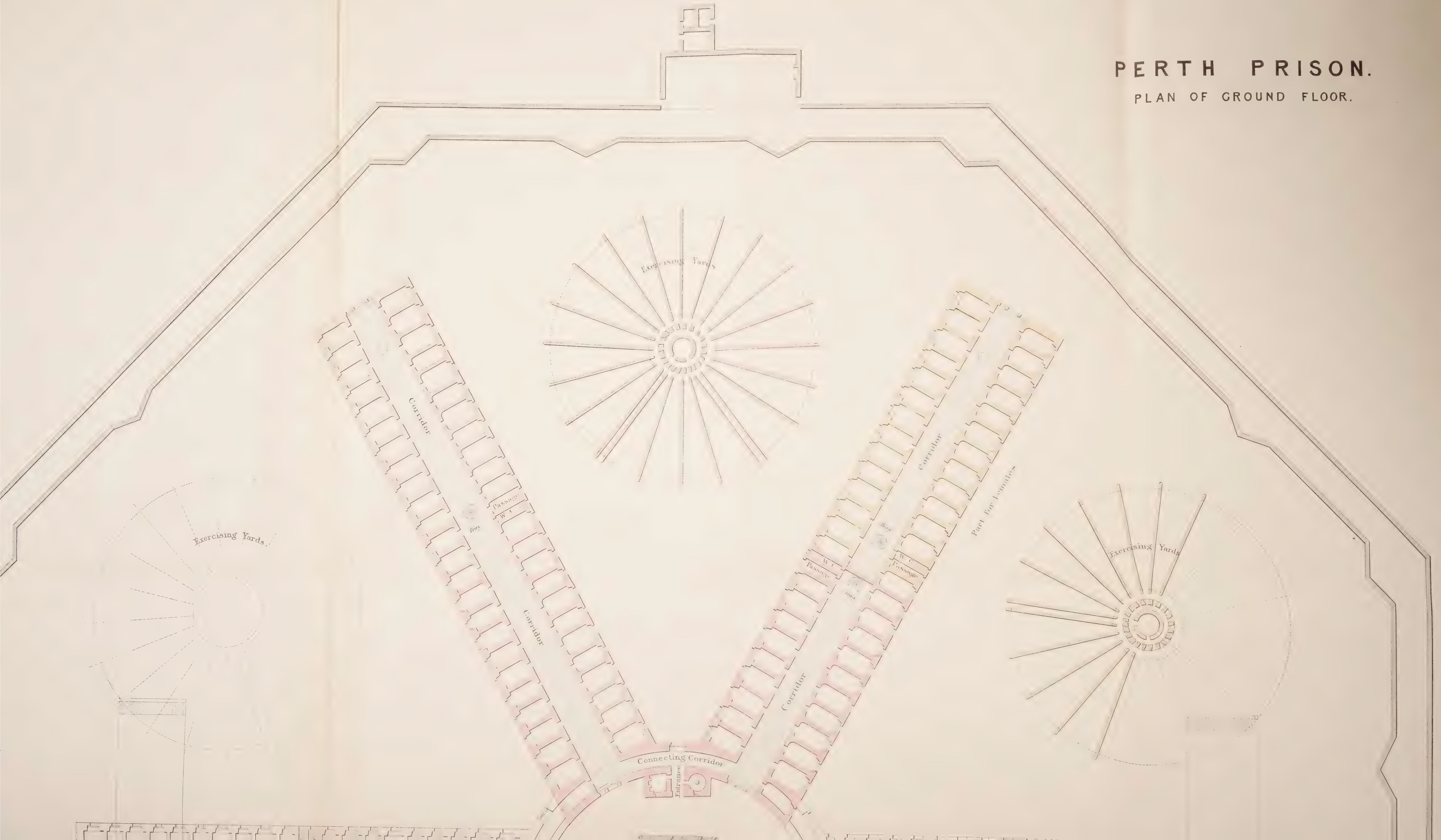
DIDGE & C^{o} LITHO. LONDON

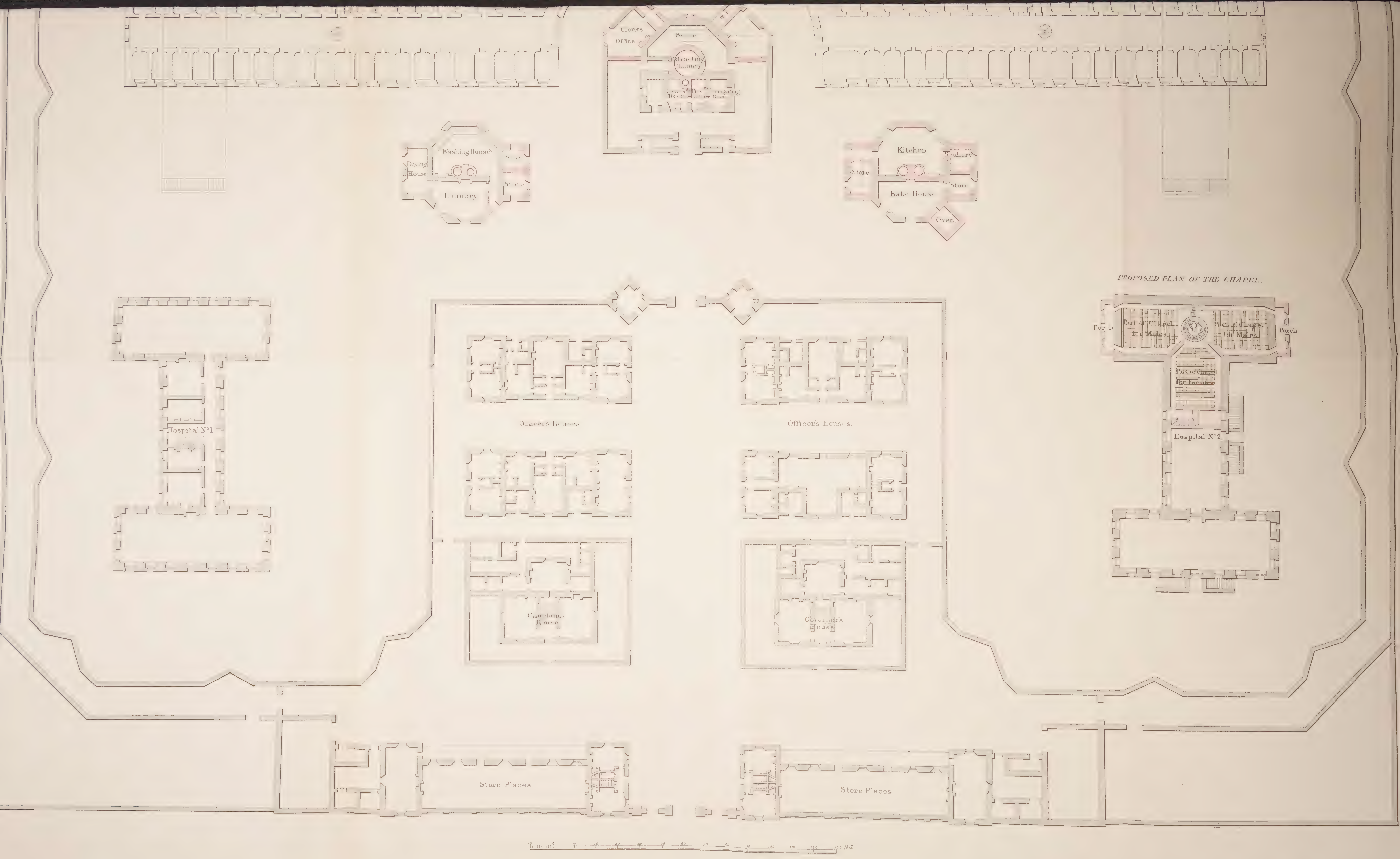
THOMAS BROWN.
EDINBRO' NOV^{R} 1839

Plate No. 2

PERTH PRISON.

PLAN OF GROUND FLOOR.


Exercising Yards
Exercising Yards.
Exercising Yards
Corridor
Corridor
Passage
W.C.
Corridor
Corridor
W.C.
Passage
W.C.
Passage
Part for Females
Connecting Corridor
Entrance

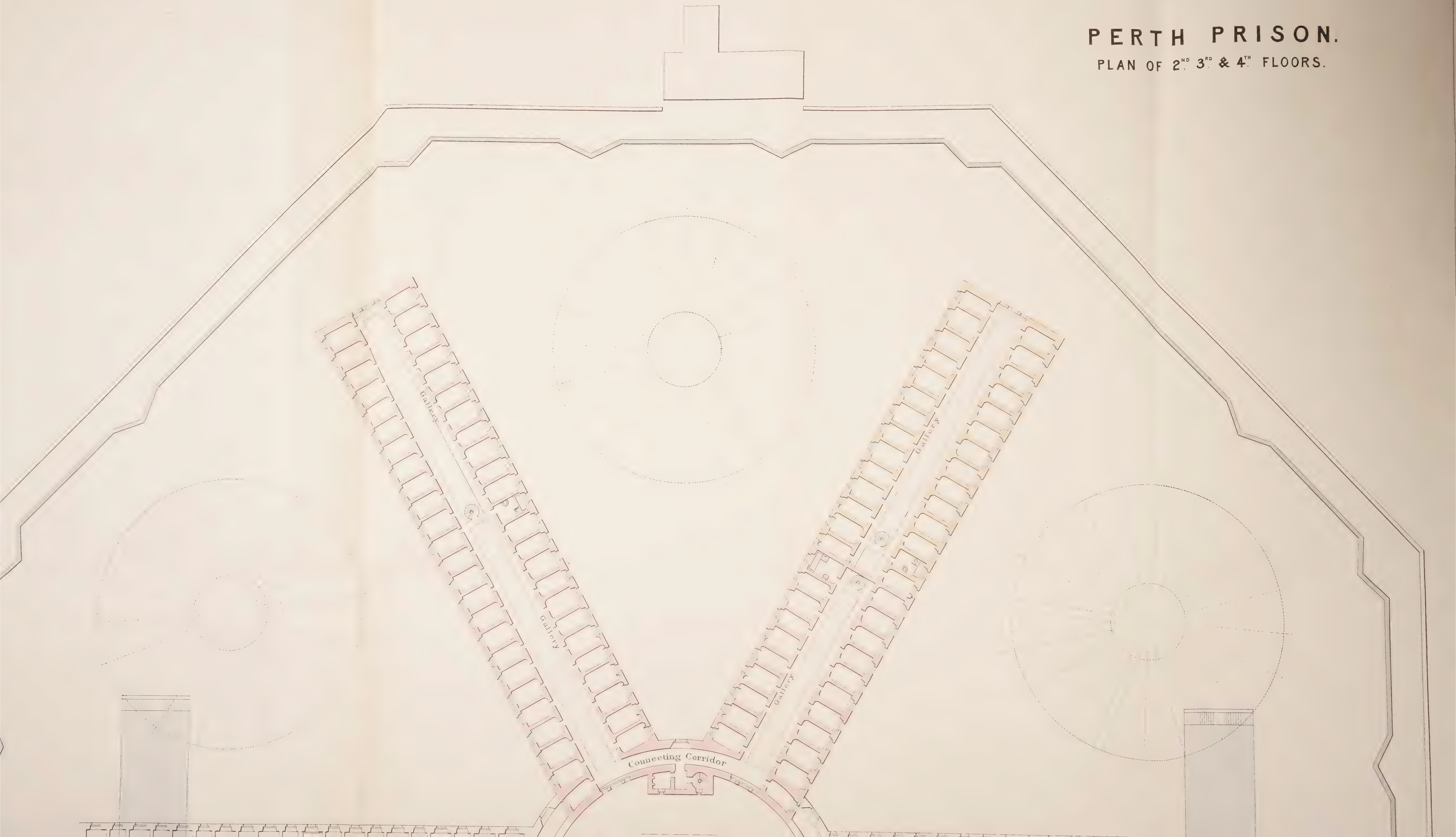

Clerks
Office
Boiler
W C
Extracting Chimney
Cleansing Room
Prisoners Clothes
Fumigating Room
Washing House
Drying House
Store
Store
Laundry
Kitchen
Scullery
Store
Store
Bake House
Oven
PROPOSED PLAN OF THE CHAPEL.
Porch
Part of Chapel for Males
Pulpit
Platform for Officers
Part of Chapel for Males.
Porch
Part of Chapel for Females
Hospital Nº 2
Hospital Nº 1
Officers Houses
Officer's Houses.
Chaplains House
Governor's House
Store Places
Store Places
10 0 10 20 30 40 50 60 70 80 90 100 110 120 130 feet

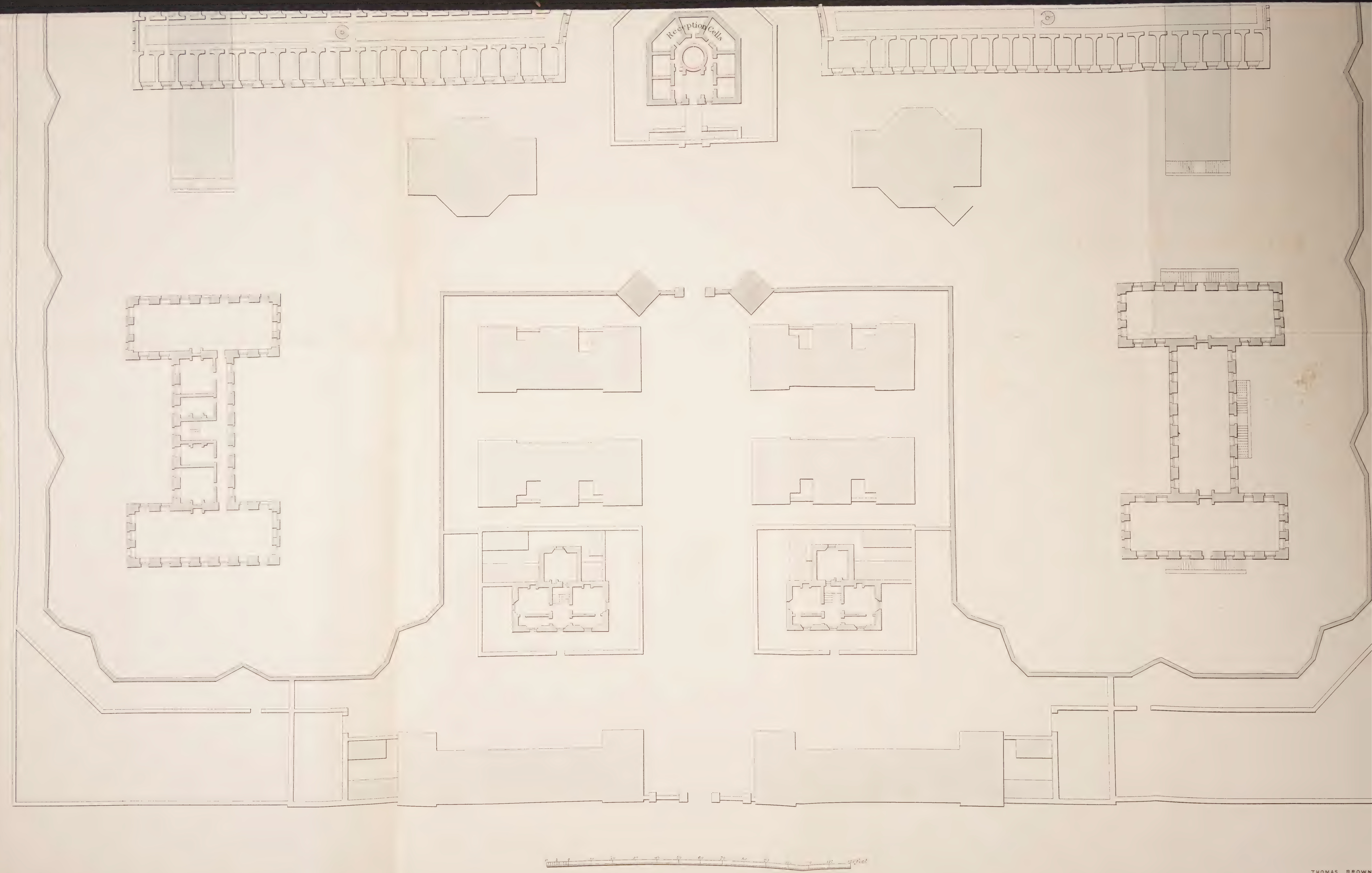
STANDIDGE & Cº LITHO LONDON.

THOMAS BROWN.
EDINBRO' NOVR 183

PERTH PRISON.

PLAN OF 2ND 3RD & 4TH FLOORS.


Gallery
Gallery
Gallery
Gallery
Connecting Corridor


Reception Cells
10 5 0 10 20 30 40 50 60 70 80 90 120 130 Feet

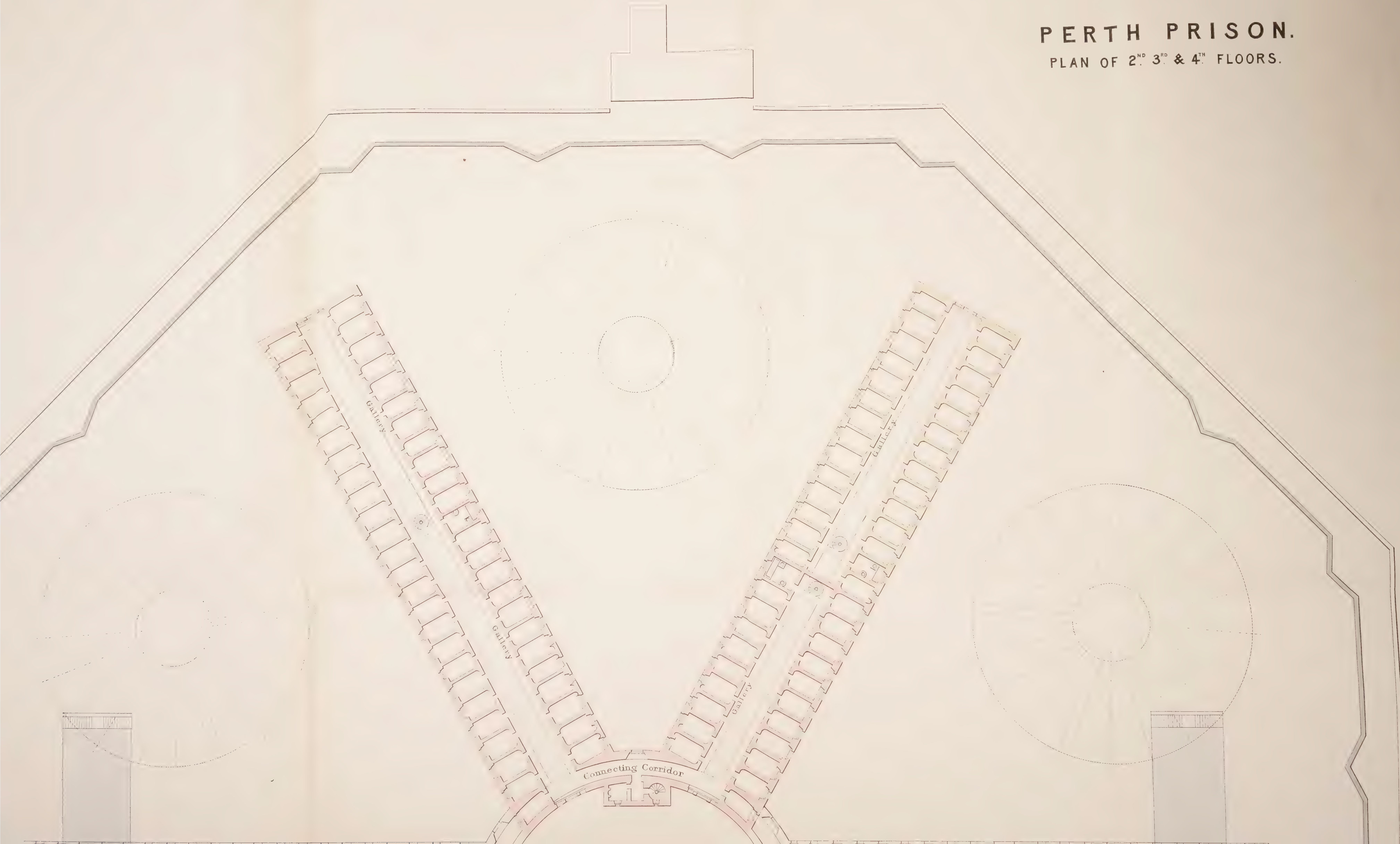
STANDIDGE & Co LITHO. LONDON

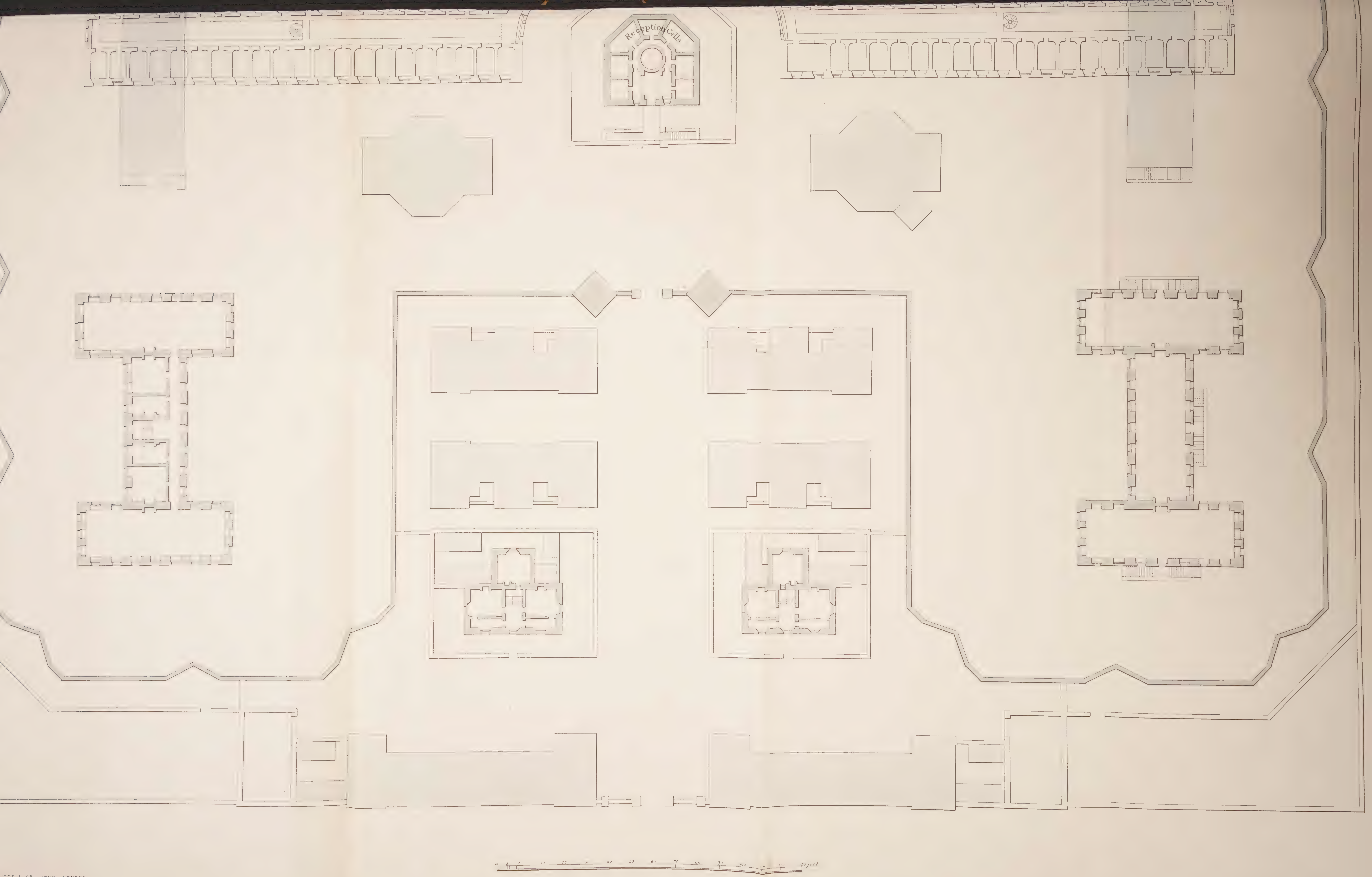
THOMAS BROWN
EDINBRO' NOVr

Plate No. 3

PERTH PRISON.

PLAN OF 2ND 3RD & 4TH FLOORS.


Gallery
Gallery
Gallery
Gallery
Connecting Corridor


Reception Cells
10 5 0 10 20 30 40 50 60 70 80 90 100 110 120 130 feet

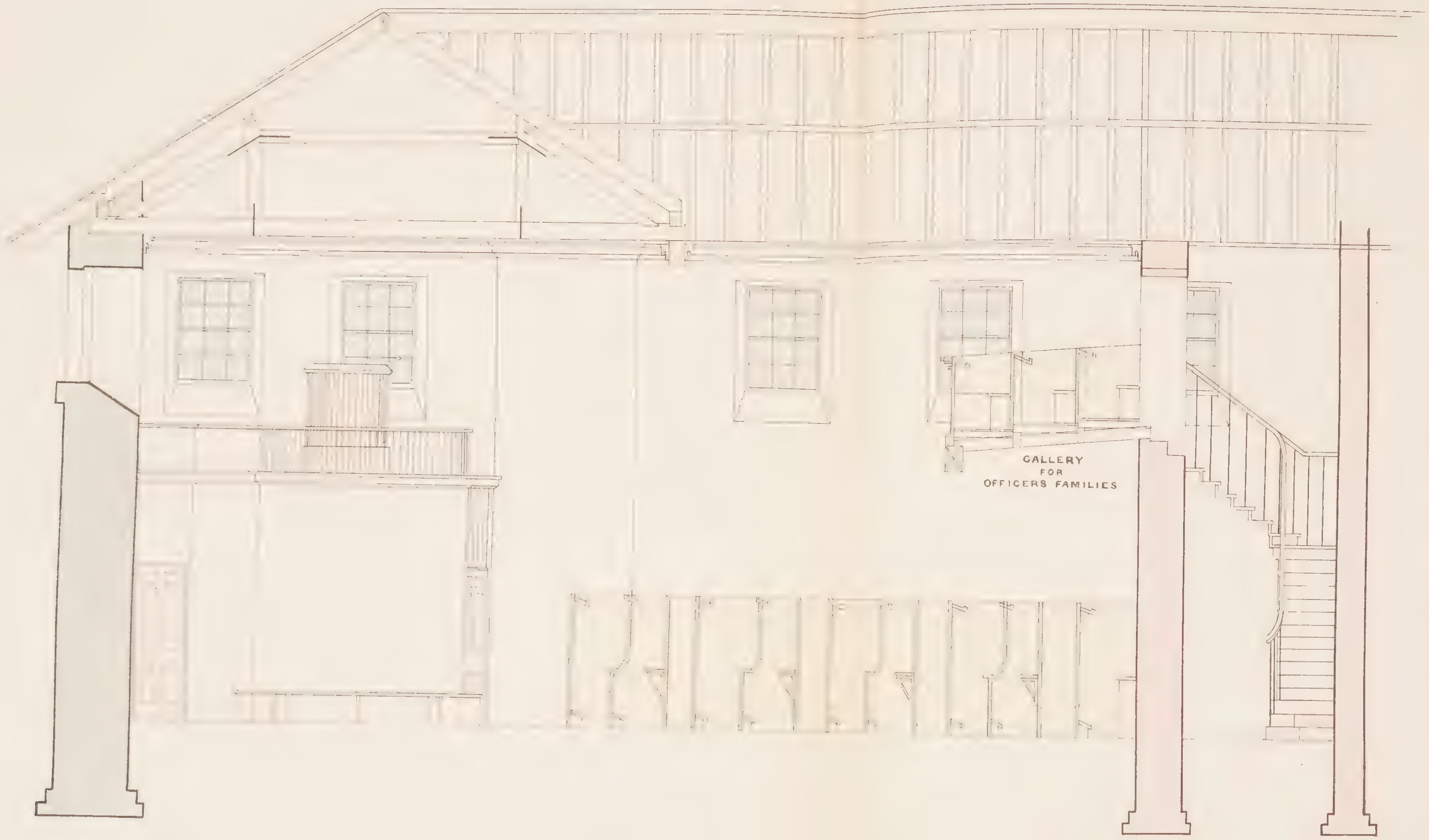
IDGE & Cº LITHO LONDON

THOMAS BROWN.
EDINBRO' NOVR 1839

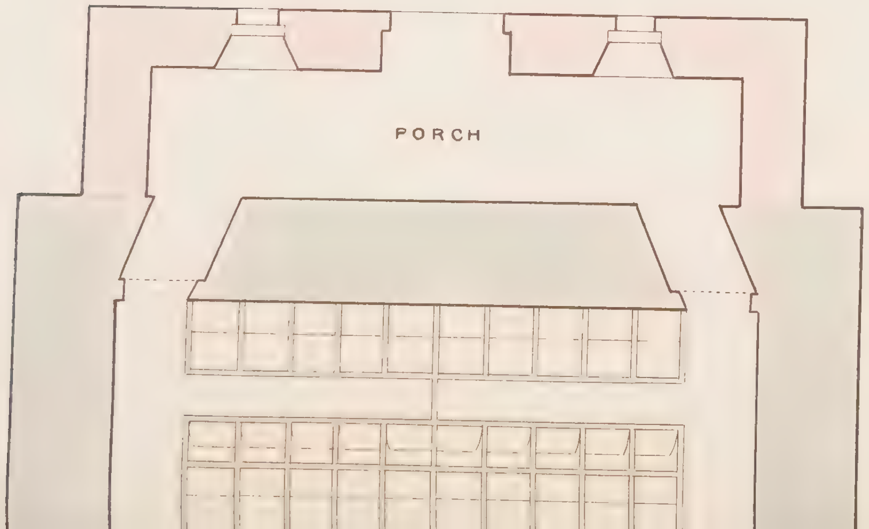
Plate No 4.

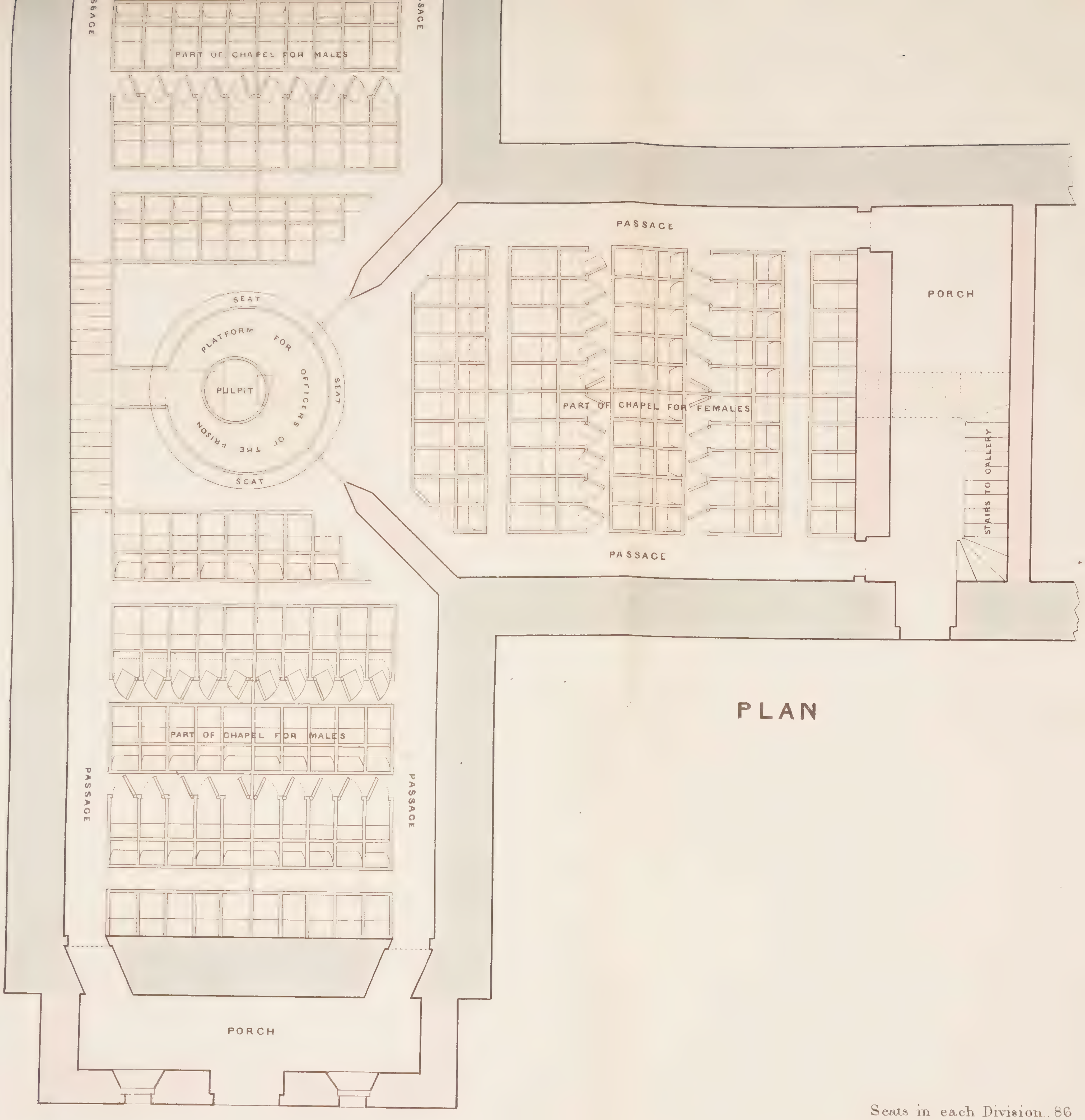
PERTH PRISON.

CHAPEL.


GALLERY
FOR
OFFICERS FAMILIES

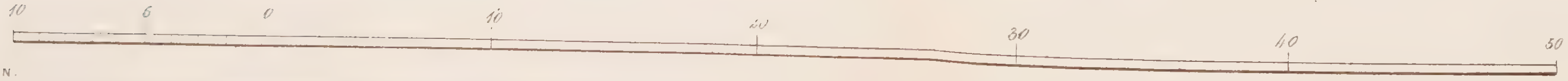
SECTION.




PASSAGE
PART OF CHAPEL FOR MALES
PASSAGE
SEAT
PLATFORM FOR OFFICERS OF THE PRISON
PULPIT
SEAT
SEAT
PASSAGE
PART OF CHAPEL FOR FEMALES
PASSAGE
PORCH
STAIRS TO GALLERY
PART OF CHAPEL FOR MALES
PASSAGE
PASSAGE
PORCH

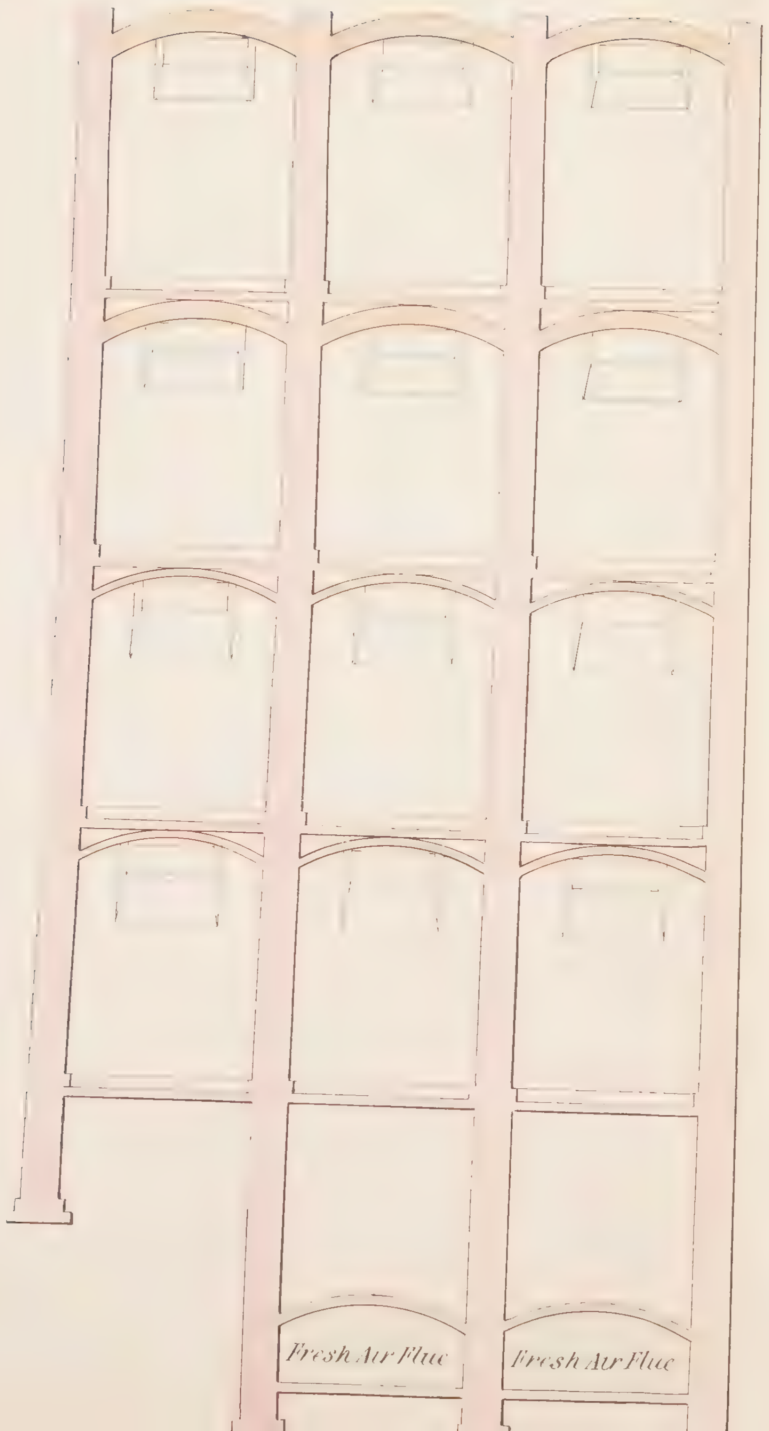
PLAN

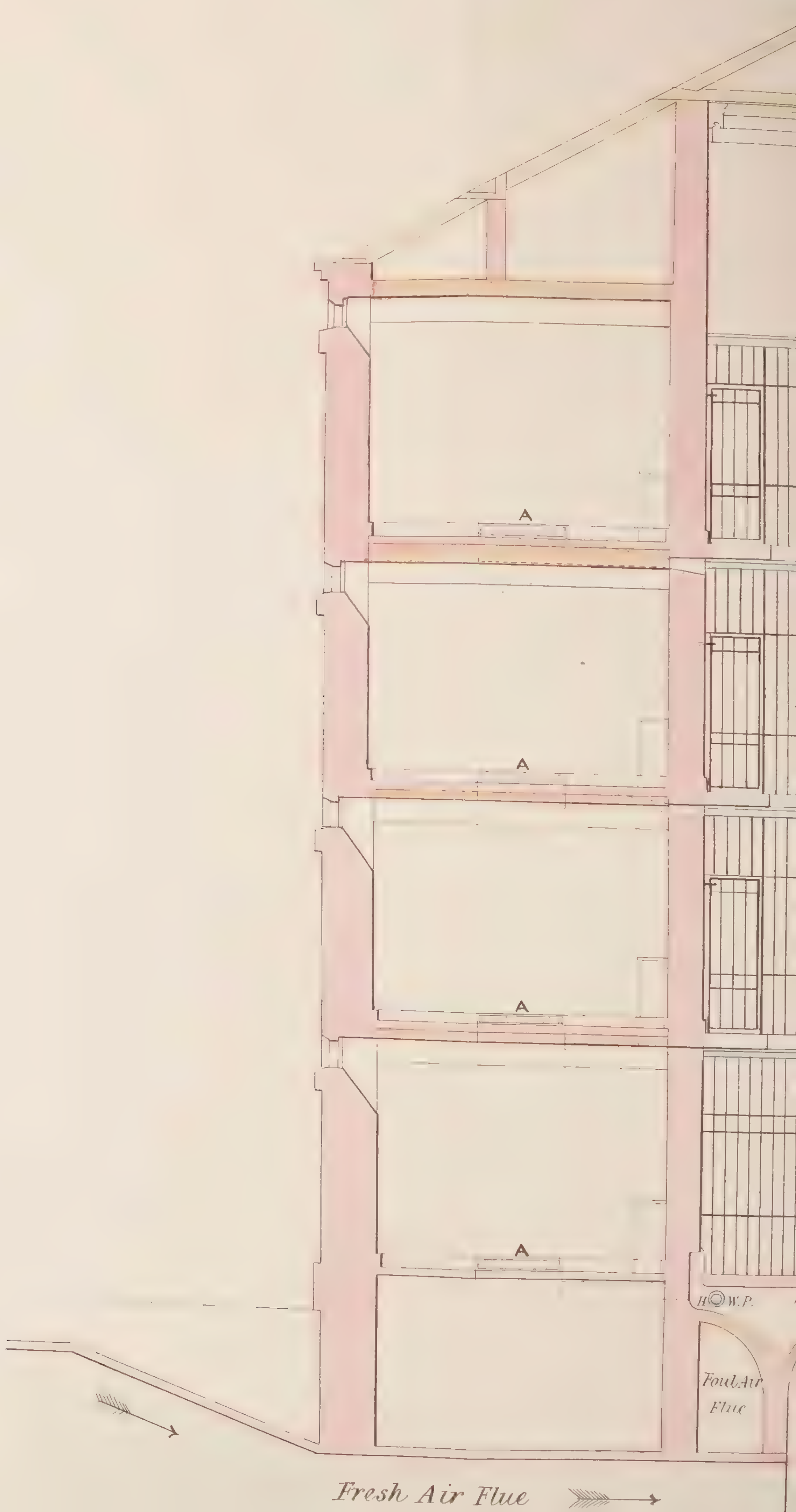
Seats in each Division.. 86
3
Seats in whole 258


10
5
0
10
20
30
40
50

STANDIDGE & Cº LITHO LONDON.

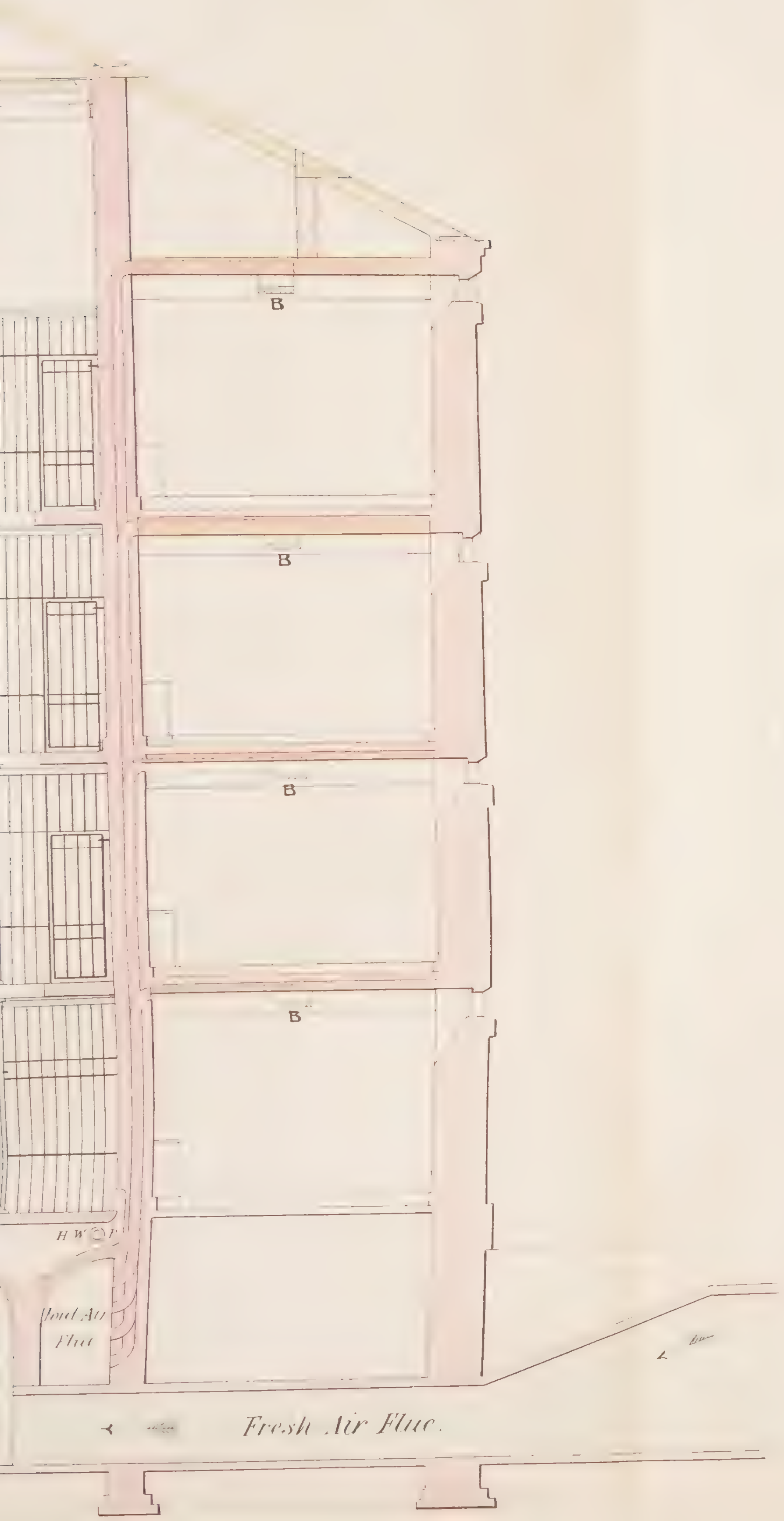
THOMAS BROWN.
EDINBRO' NOVR 1839

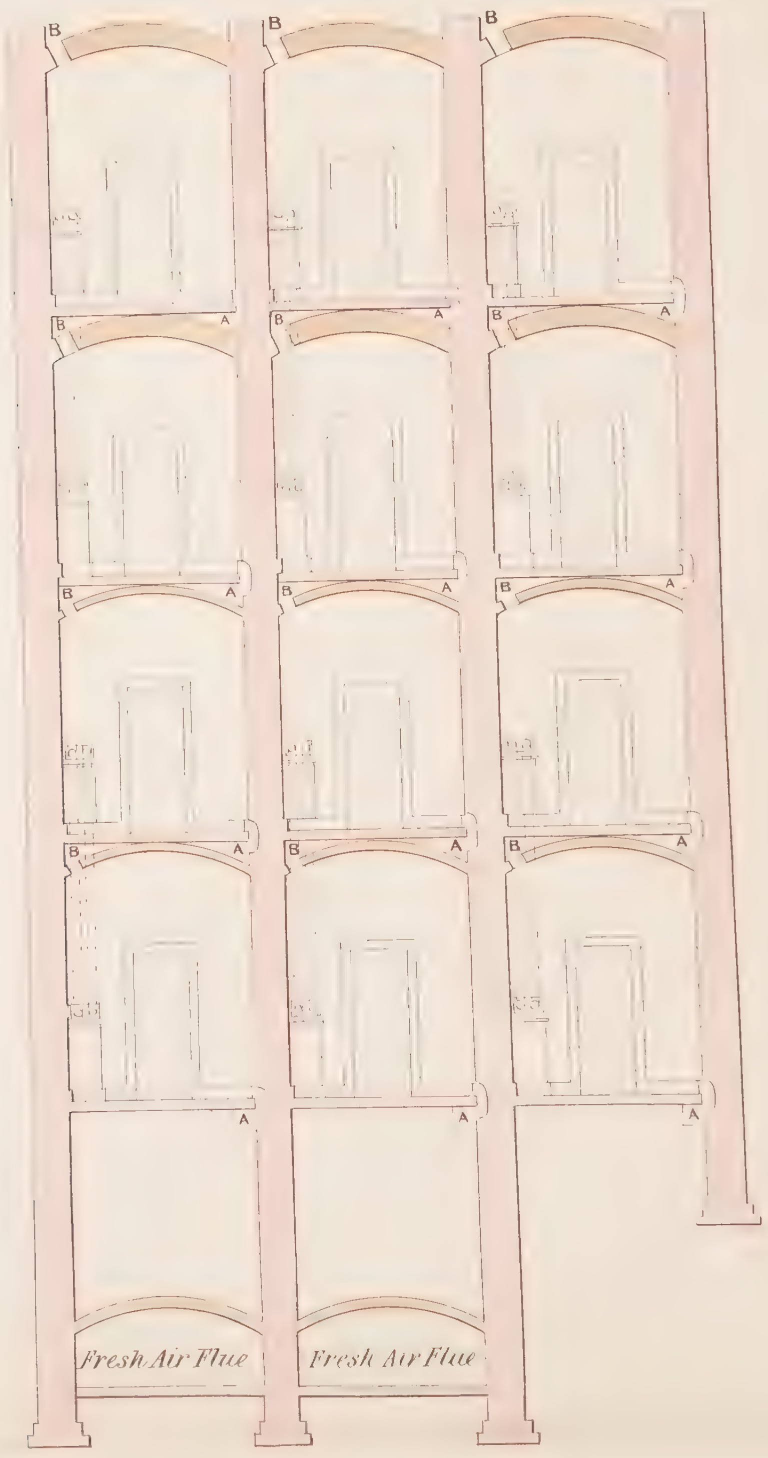

Fresh Air Flue
Fresh Air Flue

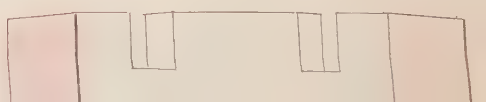

A
A
A
A
H W.P.
Foul Air Flue
Fresh Air Flue

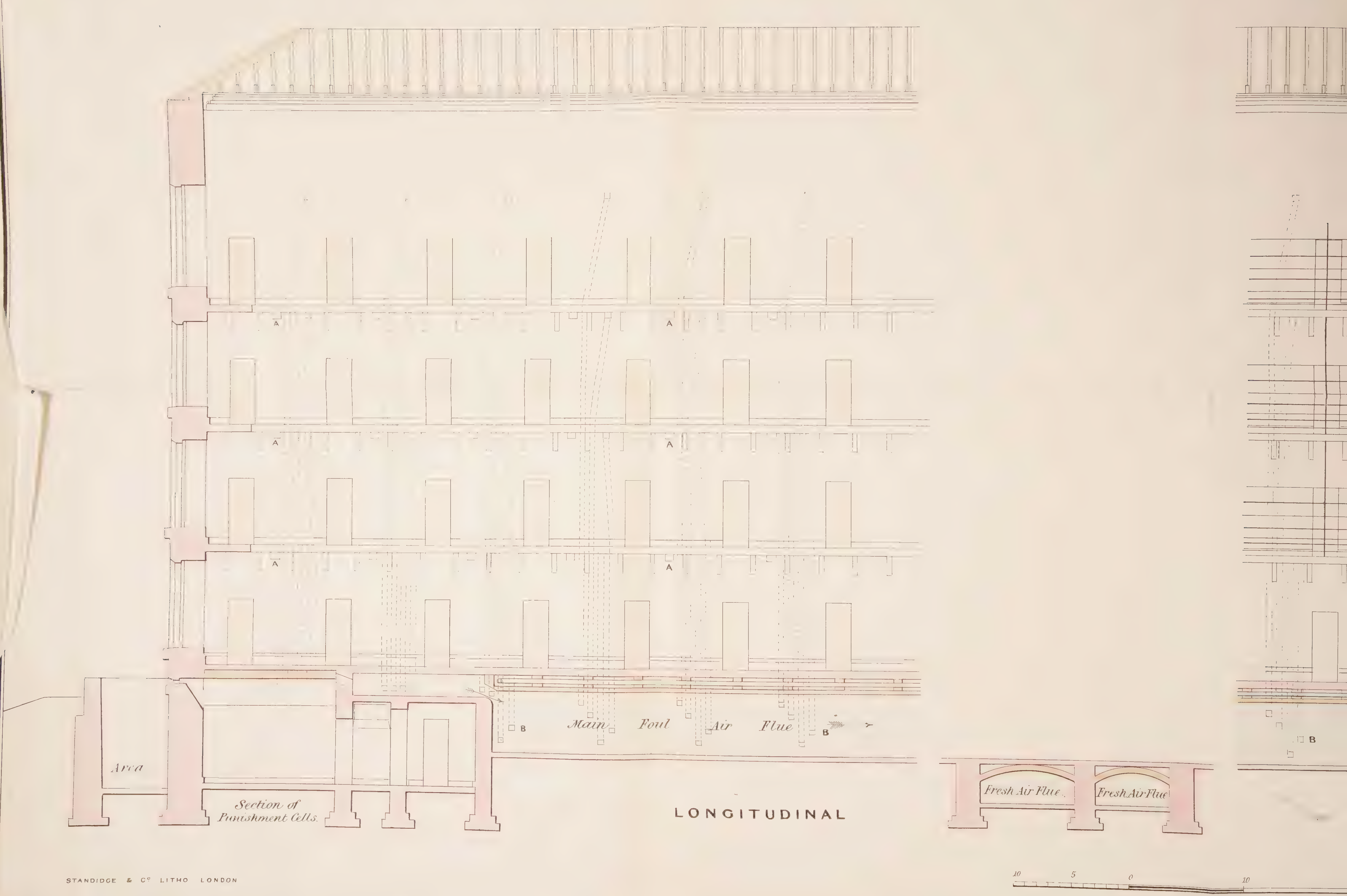
PERTH PRISON.

SECTIONS.


B
B
B
B
H.W.
Foul Air Flue
Fresh Air Flue.

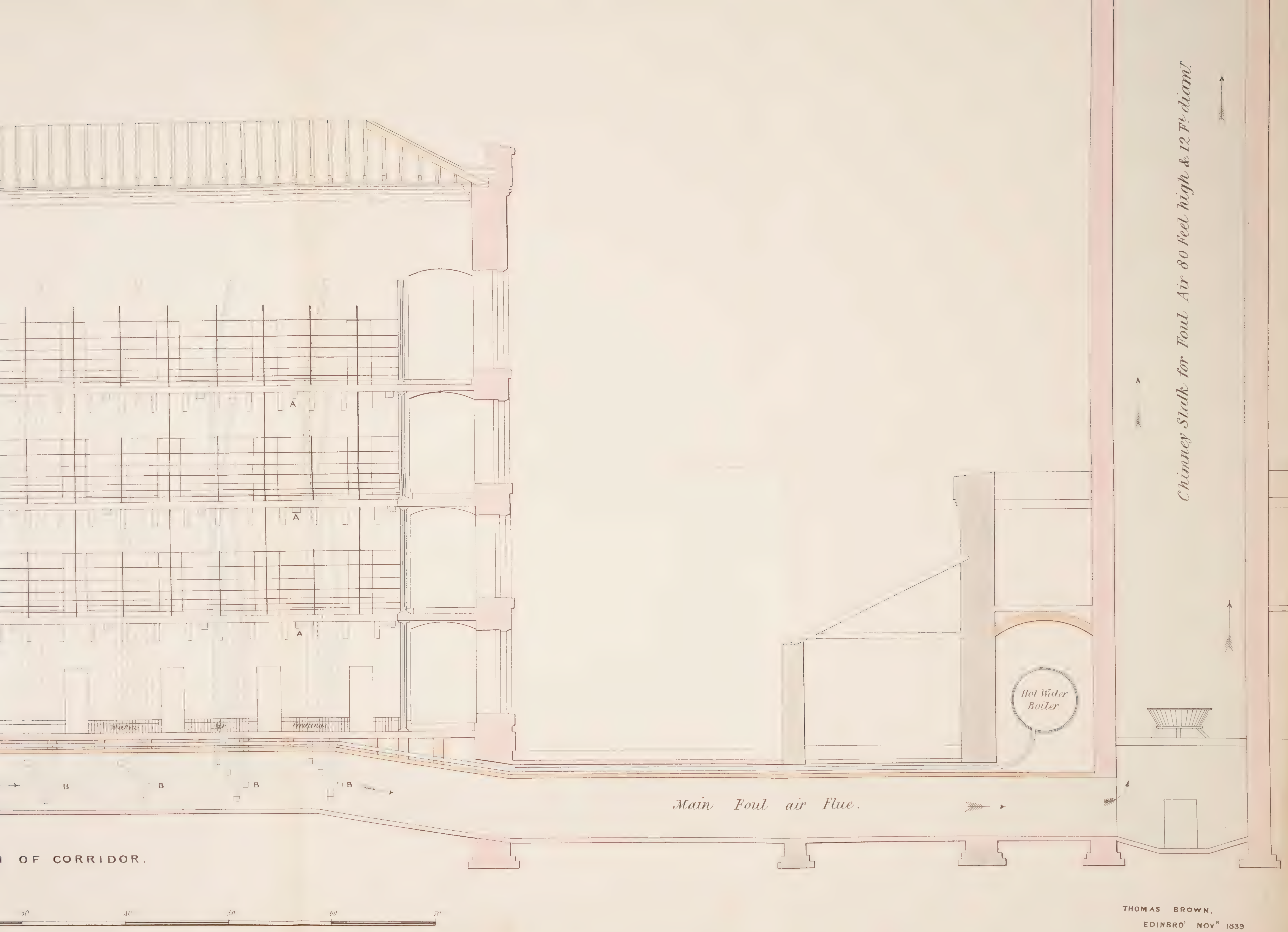

B
A
Fresh Air Flue
Fresh Air Flue




A
A
A
A
A
A
Area
Section of Punishment Cells.
B
Main Foul Air Flue
B
B
Fresh Air Flue
Fresh Air Flue
10
5
0
10

LONGITUDINAL

STANDIDGE & Cº LITHO LONDON


Chimney Stalk for Foul Air 80 Feet high & 12 Ft. diamr.
A
A
A
Hot Water Boiler.
Warm Air Gratings
B
B
B
B
Main Foul air Flue.
30
40
50
60
70

OF CORRIDOR.

THOMAS BROWN,
EDINBRO' NOVR 1839

No. VI.

Explanation of Plans for converting the Depôt at Perth into a Prison.

The present buildings consist chiefly of two hospitals and five common prisons, with two cooking-houses, dwelling houses for the governor, chaplain, and other officers of the establishment, and a central tower, on the basement and second floor of which are placed a reservoir for water, some strong dark cells, and other apartments.

General arrangement.

The proposed new arrangement of the prison, as shown in the accompanying plans, consists of four new wings radiating from a centre, each wing of four stories in height, and connected on each story by a circular passage or corridor. Of these four wings, the only ones intended to be erected at present are the two centre ones, which are coloured in the plan. To give room for these new buildings, the common prisons, Nos. 2, 3, and 4, are to be taken down and removed. The new wings are laid out so as to contain 184 cells each, with four rooms for warders in each wing, and eight punishment cells in each, placed in the sunk floor.

Cells.

Stairs and Galleries.

The cells in each wing are to be of three different sizes; some 6½ feet wide, others 7½ feet wide, and others 8½ feet wide, and all of them 13 feet long. In the three under floors they are to be 10 feet high, and in the upper floor 10 feet 6 inches high. The cells are to be built in two separate ranges, divided by a corridor 15 feet wide and 220 feet long, and of the whole height of the four stories. Access to the cells on the ground floor will be got from the floor of the corridor; and to those on the second, third, and fourth floors by a light cast-iron stair placed in the centre of the corridor, with a landing on each floor communicating with galleries carried round the corridor on the level of the floors of the cells in the different stories. The stair will me made open and light in its construction, so as to obstruct the view along the corridors as little as possible. The galleries round the corridors will be made of stone, projecting three feet out from the walls, supported on stone brackets, and having iron railings on their outer edge. The access to the punishment cells in the sunk floor will be by a stair leading down from the extreme end of the corridor.

Division for Females.

As the wing ultimately intended for female prisoners is not to be erected at present, part of one of the two wings now to be built is, in the mean time, to be used for that purpose. This part is shown in the plans by having the walls tinted brown, and contains 104 cells, besides two rooms in the second floor, one for the matron, and the other for female warders. This part of the prison will be cut off from the part to be occupied by the male prisoners by a stone wall, and the access to it will be by a door in the side wall.

Infirmaries.

Fever ward.

Each wing to have six cells in the second and third floors set apart as an infirmary for sick prisoners, with fire-places in them; but, in addition, it is proposed to fit up a few large cells in one of the present hospitals as a fever ward, which can readily be done.

Strong cells.

Six cells are intended to be placed in the third floor of each wing, for prisoners who may be suspected of an intention to attempt an escape. These cells will, for greater security, have additional iron bars on the windows; and the iron railings of the galleries opposite these cells will be continued up to the under side of the gallery of the fourth floor.

Circular Corridors.

The two wings are, on each story, connected by the circular passage or corridor before mentioned. These passages will terminate in an enclosure at the end of the main corridors, separated from the corridors by a strong iron frame-work or railing, extending from the floor to near the ceiling, and having grated doors in it to give access to the corridors; and from which grated enclosures the corridors may be inspected by the officers without entering them. Each of the long corridors will also be subjected to inspection through the large windows at the end of them, from the windows of the governor's office. For the inspection of the division for the females, inspection slits will be formed in the wall dividing it from the other part of that wing; and a part of the corridor at the end of the female division, next the division wall, will also be railed off for the purpose of such inspection, in a manner similar to what is proposed at the ends of the wings occupied by the males; and the stair to be placed in the female division will be enclosed by that railing.

Private staircase.

The staircase entering from the lobby is made to communicate, on each story, with the circular corridors above mentioned, which connect the two wings. By this staircase, the governor, or other inspecting officer, will have access to each of the floors in the prison, without going into any other part of it; and by having silent-acting locks on the doors from the staircase into the circular corridor, his approach will be unheard either by the officers during the day, or the watchman at night, or the prisoners.

Offices for Governor, &c.

Offices for the governor and clerk of the prison are proposed to be built round the base of the central tower, with windows in the governor's office commanding a view of the corridors in the two wings.

Outside Walls of Wings.

Division Walls.

The outside walls of the wings to be of rubble work, with an outside facing of dressed whin stone, in the same manner as the outside of the present buildings. These walls to be 2½ feet thick on the ground floor, and tapering to two feet on the fourth floor, except where the stronger cells are to be placed, where they shall be kept the full thickness the whole way up. The division walls between the cells, and between the cells and the corridor, shall also be built of rubble work. The walls between the cells shall be 18 inches thick on the ground floor, and tapering to 15 inches on the fourth floor. Those dividing the strong cells shall be kept 11 inches thick to the top. The walls between the cells and corridors to be 18 inches thick.

Arched Ceilings.

The ceilings of the cells to be arched with brick, set in mortar, nine inches deep in the sunk floors and third and fourth floors, and six inches deep in the first and second floors, and to have a layer of concrete (formed of lime and small stones) above the arches.

Pavement. The floors of the cells and corridors to be of large-sized Caithness pavement, let a few inches into the wall, so as to prevent their being raised by the prisoners. The pavement of the cells in the sunk and ground floors to be laid upon 12 inches thick of small broke stones, the interstices being grouted up with thin lime mortar, so as to form a solid body of masonry.

Plaster Work. The walls and ceilings of cells and corridors to be plainly but substantially plastered.

Windows. The large windows at both ends of the corridors to be made of timber and glazed, made to open, so as to ventilate the corridors, and strongly barred with iron on the outside. The windows of cells to be 3 feet 6 inches long, and 12 inches high, with sills, lintels, and sides, both on outside and inside, of hewn stone, and to have a bar of malleable iron 1 inch square, placed horizontally on the outside of the glass frame, and batted into the stone sides. The window frames to be of cast iron, glazed, and hung on a centre pivot, and made to open a few inches for the admission of air. The windows in the strong cells to be fixed so as not to open, and to have some additional iron bars on the outside. These cells will be ventilated by the flues, to be afterwards described.

Doors of Cells. The doors of cells to have stone lintels, sills, and sides. The doors to be made of two-inch thick Memel timber, and lined on the inside with sheet iron, and to have a strong lock and hinges. An opening to be made near the top of the door, with a hinged board upon it; to be used for speaking through to the prisoner, and for handing in his meals. A proper inspection slit will also be formed in each door.

Supply of Water. It is proposed to supply the prison with water from a reservoir already formed on the side of the hill to the south, which at present supplies the depot, provided that the board have right, or can acquire right to the water. The supply of water in this reservoir, which is already very considerable, can be increased by water from other springs in the neighbourhood. The reservoir is placed at a height sufficient to throw the water into the second floor of he prison, if not the third floor; the fourth floor will have to be supplied by means of a force pump. If the board cannot avail themselves of the water from this reservoir, a supply may be obtained from the Tay, either by means of the machine formerly erected for supplying the depot, or, if necessary, by other and more efficient machinery. The cells to be supplied with water by pipes communicating with two cisterns placed near the centre of each wing, one for supplying the two under floors, and the other for the two upper ones. The rain water from the roofs of the wings is intended to be collected and used for washing.

Baths and Water-Closets. One good large bath will be placed in the second floor of each wing, besides one in the division for the females. The cells for sick prisoners are to have water-closets fitted up in them. The other cells are not to have water-closets, but to be accommodated with a covered bucket, placed in a small enclosed space in the corner of the cell; and there will be one general water-closet, with a sink in it, placed in each floor of each wing, and of the division for the females, into which the buckets from the cells will be emptied daily. This plan of placing buckets in the cells is thought preferable to having a water-closet fitted up in each; because prisoners who from carelessness spoiled their work, or who wilfully destroyed it, might be enabled to put it away through the water-closet; besides which, the annual expense of keeping so many water-closets in repair would be very considerable, though made of the simplest construction.

Gas Lights. The prison is to be lighted with gas; each cell to have one light, and a sufficient number of lights to be placed in the corridors and other parts of the prison.

Bell. A bell to be hung at the end of each corridor, with a pull upon it from each cell.

Warming and Ventilating. For warming and ventilating, see Dr. Reid's Report, and the plan of the sunk floor and sections.

Mode of raising provisions and working materials to upper floors. The conveying of the meals of the prisoners, and of the materials required for their work, from the ground floor to the upper floors, will be by means of a tray hung close to the stair in the centre of each corridor, and which will be elevated and lowered by pulleys.

Reception Cells. There will be seven reception cells in the second floor of the central tower, into which the prisoners will be put upon their arrival in prison, and from which they will be taken to a cleansing-room on the ground floor of the tower; adjoining which, a fumigating-room will be formed, and rooms for the prisoner undressing and dressing, and from which, after he has been washed and clothed in the prison uniform, he will be conducted to his cell in the prison.

Cleansing, fumigating, and dressing-rooms.

Kitchen, &c. One of the present cooking-houses is proposed to be fitted up as a kitchen, with scullery, bakehouse, oven, and store places adjoining. The other is to be converted into a washing-house and drying-house, with clothes store, &c.

Chapel. The chapel is proposed to be placed in part of the hospital No. 2, and formed in three divisions, with separate doors to each; two of these divisions being for males, and one for females, and so arranged that the prisoners in one division cannot see into either of the other two.

The chapel is to be fitted up with separate sittings, from which the prisoners can see and be seen by the chaplain, but the sides, backs, and fronts of the seats will be made of such a height as to intercept the communication between the seats, and the seat boards will be placed at such a height from the floor that the head or eye of the prisoners will be on the same level when sitting as when standing.

Each seat or stall to have a door on it to shut from the outside, and access will be given to each seat from the passages, so that, in the event of a prisoner becoming sick, or behaving ill during Divine service, he can be at once removed without disturbing the other prisoners in the chapel at the time.

A gallery to be formed round the base of the pulpit with seats for the officers of the prison, from which they can see every prisoner in the chapel.

A gallery to be also formed in the division for the females, for the families of the officers of the prison, from which they can see and be seen by the chaplain, but cannot see any of the prisoners.

Exercising yards.

It is intended to erect exercising yards, radiating from a centre, as shown in the plan, one set being for the men, and one half of a whole set to be erected for the females in the mean time. The division walls of these yards will be nine feet high, and the ends will be formed of open railings. A roof to be placed over part of the yards for the prisoners walking under in wet weather.

Boundary Wall.

The boundary wall is at present 12 feet 6 inches high. It is proposed to raise it 3 feet higher than at present all round the south, east, and north sides; and upon the west side, where the wall stands on a higher surface than on the other three sides, it is proposed to lower the earth round its base one foot, and to add only two feet to the top of it. In this manner the whole wall will be made 15 feet 6 inches high or thereby all round. It is also intended to take down all the stairs on the outside of this wall, and to point up all the joints between the stones on the outside of the wall with lime and on the inside with cement.

(Signed) THOMAS BROWN,
Architect.

No. VII.

REPORT by Dr. D. B. REID, of Edinburgh, on Warming and Ventilating the General Prison at Perth.

To the Right Honourable the Lord Advocate.

MY LORD, Edinburgh, December 9, 1839.

HAVING examined the plans of the proposed prison at Perth, I beg to suggest the following modifications:—

1. That the external air shall be introduced in the first place into the basement or vaults below the prison, and pass from thence to the corridor, which may be made the great reservoir for supplying air to the individual cells.

2. That the site of the heating apparatus be altered, and that the floor of the corridor be heated through its whole length by hot water apparatus extending under it, the floor being made of iron, or such portions of it as may be considered desirable. There will be less loss of heat and much greater equality of temperature sustained by this arrangement than can be maintained by small flues carried to a great length through mason work, before they reach the individual apartments into which the air is to be conveyed.

3. In the basement, such facilities may be given in the architectural arrangements, with little or no additional expense, as may admit of the air being cooled or moistened to a great extent, or modified by the action of various chemical vapours in the event of any epidemic or contagious disease attacking the prisoners.

4. That double windows be provided in the great corridor. This may perhaps be considered expensive, but glass exposed to the external atmosphere is a source of great cold in severe weather, and the additional expenditure on it is soon returned by the smaller amount of fuel required every time the heating apparatus is put in action.

5. That the eight independent ventilating shafts be superseded, and replaced by a single larger and central shaft, to be built in the central tower, underground flues conveying the foul air from each wing to this shaft. The single shaft will consume less fuel, require less attendance, take up less space, and be as efficient as the separate chimnies.

6. That means be provided for flooding the corridor with an ample supply of air in particular states of the atmosphere, by providing large openings in the basement in the floor of the corridor, and in the ceiling and roof; all these to be used only on special occasions.

7. That the water-closets (and perhaps the site of the bucket in each cell) be ventilated, particularly during the prevalence of disease. This can be done effectually by arrangements equally economical and easy of execution.

8. That the drying-room, the fumigating-room, and perhaps the bath-room, washing-room, and kitchen, be made to communicate with the ventilating shaft. Nor is there any reason why all the apartments connected with the establishment should not be worked with the same power. The punishment cells would also require attention. If gas be used, some trifling adjustment might be made to remove the air it vitiates, without contaminating that of the cells.

These are the principal points that have occurred to me, and I have only to refer to a short outline or sketch of the proposed alterations which will be submitted by Mr. Brown.

I have the honour to be, my Lord,
Your very obedient servant,
(Signed) D. B. REID.

No. VIII.

EXTRACTS from the Third Report of the Home Inspectors in regard to the Separate and Silent Systems, and Authorities for the Separate System.

Design of Imprisonment.

"THE design of imprisonment, considered generally [with reference to criminal prisoners], is two-fold: the safe custody of persons accused, but not yet brought to trial; and the penal confinement of those whose guilt has been duly established. It is obvious that the former description of prisoners cannot, either in reason or justice, be subjected to the discomfort and privations to which the law sentences the latter. With respect to the prisoner who is awaiting trial, care must be taken to preserve his morals from further contamination; his feelings from being unnecessarily outraged, either by a forced companionship with depraved associates, or otherwise, and his character from the stain which must attach even to an involuntary intermixture with the ordinary inmates of a gaol. These are rights to which every untried prisoner has an inalienable claim, whatever the circumstances may be which render necessary the present safe keeping of his person. With respect to the *convicted* prisoner, the object of his imprisonment is, with the exception of preventing his escape, different from that to which the untried is subjected. He has committed an offence, he must, therefore, be punished; he is depraved himself, he must not, therefore, be suffered to corrupt others; he is capable of further depravation, he must, therefore, be secluded from all intercourse with such as may impart it; he is to return at the expiration of his sentence to society, he must, therefore, be trained to such habits, and be subject to the inculcation of such duties as shall afford as strong a guarantee as possible to the community that he shall not be led to further violation of the law; or at least that he shall be deterred from such violation by a recollection of the privations, hardships, and discomforts of a prison. This last consideration must never be lost sight of. In all cases, with reference to the place of confinement for the *convicted*, whatever may be its moral advantages, a prison should be a place from which both the public and the criminal will recoil with more or less of dread: repugnant to the imagination of the one, painful to the recollection of the other. These effects should be wrought out by means which shall not shock the feelings, or excite the disgust or the commiseration of the public; but they should be enforced by the recollection that the fears of the criminal are the safeguards of society.

Features and Characteristics of a sound System of Prison Discipline.

" From these general observations, the obviousness of which releases us from the necessity of saying more in confirmation of their truth, we now proceed to submit, in a more detailed form, what we deem to be the necessary features and characteristics of a proper system of prison discipline. In the first place, its regulations ought to be so framed as to guard the prisoner from all those evils which must inevitably flow from even the most restricted, and the most watchfully superintended association with other prisoners. This applies both to the case of the untried and of the convicted. The whole tenor of the evidence upon the subject of prison discipline proves that the greatest mischief proceeds from the intercourse which is permitted, or imperfectly restrained, in the several prisons in the kingdom. The comparatively innocent are seduced, the unwary are entrapped, and the tendency to crime in offenders not entirely hardened is confirmed, by the language, the suggestions, and the example, of more depraved and systematic criminals. Every motive, therefore, of humanity, as regards the individual prisoner, and of policy as regards the good of society in general, requires that the most efficient regulations should be established, in order to save all prisoners, and especially the untried, from the contamination which must result from prison intercourse, whether unrestricted or clandestine. Let it not be supposed that this precaution is excessive, or that it would involve too great strictness of separation in the case of untried prisoners, or that a hardship would thus be inflicted upon such persons, inconsistent with the character which they sustain in the eye of the law; for it appears from the evidence taken in various prisons from the prisoners themselves, that many of them have expressed the greatest disgust at the language and conduct which they are liable to hear and see when allowed to congregate together, and a deep anxiety to be saved from the evils which many of them know, from sad experience, must infallibly follow from it. These evils may, and ought to be totally suppressed. But not only the further depravation of the prisoner, supposing him to be criminal, is effectually prevented by his absolute and uninterrupted severance from other prisoners, but the hope of his reformation is totally dependent upon it. The prisoner's self-respect, his character in the eyes of the world, his exemption from future exposure on the part of his fellow-prisoners, and from all the disheartening apprehensions to which the fear of such exposure must give rise—all depend upon the completeness of his exclusion from the *sight*, even more than from the hearing, of those who are fellow-occupants of the same prison. Even in a lower sense, this will not fail to produce beneficial effects upon those who are placed under its influence. The young offender will have learnt no new vice, even if he should not have acquired higher and more operative principles of good conduct. The older and more practised criminal will be deprived of the morbid and guilty satisfaction (which experience proves to be habitually strong in the minds of such persons) of working mischief in the disposition and principles of those whom he too frequently endeavours to make his associates, his dupes, or his victims. And thus it may be hoped that the inmates of a prison will leave it, not the worse for their imprisonment, but with a better prospect of not reverting to their evil habits, and of becoming inoffensive members of society; and the prison system will have attained that which all parties are agreed in considering as the purpose of enlightened criminal jurisprudence—not abstract punishment—but the prevention of crime. In short, the steady pursuit of this object will guard us against those mistakes to which the present deplorable prevalence of crime is, in some degree, to be ascribed; and will teach us that, while, on the one hand, the hardships of a prison may be wisely and justly inflicted, it is our duty, on the other, to take care that the means which we employ to arrest the progress of crime may not contribute to its increase; and that persons guilty of petty offences, from the repetition of which they might be deterred by the first detection, and consequent punishment, suffering, and alarm, shall not, by our means, be utterly polluted, hardened, and accomplished in depravity, by a permitted or clandestine intercourse with the most hardened and irreclaimable.

" Another quality which a good system of prison discipline should possess is that of subduing the prisoner, and convincing him of his weakness from the moment he enters within the reach of its influence; so that he may patiently submit to the discipline of the prison. The prisoner, on entering his cell, ought to see at once that all his efforts to struggle with that discipline will be utterly unavailing. Every thing around him should present the appearance of a barrier, against which the utmost exertion of his strength, seconded by his most skilful ingenuity, and the most untiring perseverance, must contend in vain. This is of the utmost importance; for when once the prisoner finds such to be his condition, and that no exertion of strength or ingenuity can afford the slightest hope of altering or bettering his position, (and criminals are always on the look-out for, and are remarkably quick at discerning such circumstances,) he quietly conforms to it, give himself up to those reflections which such a position is calculated to produce, and his mind presents to those whose duty it is to direct, superintend, and instruct him, a fit soil for sowing those seeds from which correction and amendment almost uniformly spring. But if, on the other hand, on entering his place of confinement, he sees even a remote chance of effecting his escape, or of carrying on a clandestine communication with his fellow-prisoners, he will instantly set about compassing these purposes, and the attempt will pre-occupy his thoughts to the exclusion of every other. In this case, the utmost strictness of discipline, the greatest watchfulness on the part of his keepers, and the most judicious and unceasing attention on the part of his instructors, will be thrown away; they will not only have no influence in reforming his morals or correcting his habits, being unheeded and unfelt, but they will be attended with this positive mischief—they will satisfy the prisoner that all this array of penal discipline, however imposing it may be designed and believed to be, is utterly powerless when addressed to those whose superior dexterity enables them to despise it. Thus self-confidence, the pride of artifice, and dependence upon indirect resources, are engendered and sustained; the mind becomes more deeply and subtilely fraudulent, and better fitted to contend with, evade, or overcome the law, and unrestrainedly to prey upon society."

"The next quality which we deem indispensable in a sound system of prison discipline is the capacity of producing in the prisoner permanent habits of useful labour. It must never be forgotten that the system contemplates the return of the prisoner to society, upon the expiration of his sentence. The State ought, then, both on grounds of policy and humanity, to take the best possible security that the convict shall leave the prison with those habits which afford the surest ground for expecting that he will not return to those pursuits, or again indulge in those practices, which have subjected him to the penalties of the law. Now, next to the inculcation of religious duties, and to the preservation of character, which the system to which we refer ensures to the offender, nothing affords better security for his future good behaviour than the resources which *habits* of industry confer. But the habit must be *permanent*. If the system cannot effect this, its efforts to benefit the convict by a regular course of daily labour will prove abortive. It is not the training and treatment which the prisoner undergoes in confinement that we are mainly to look to; it is the habits and feelings with which he returns to the world, which determine whether his training and treatment have been judicious or otherwise. In this view, the moment of the prisoner's departure from the gaol is the most important. The disposition and resolutions with which he issues from the prison door, at the instant of his enlargement, are the only sure tests by which the character of his penal treatment can be determined. He may have been habituated during the whole period of his sentence to a course of unintermitted, useful, and productive toil; and yet be restored to liberty with a determination never to betake himself to another day's work while he lives. And if these be the impressions with which he quits the prison, we may be sure that, notwithstanding all the inconvenience which the discipline may have caused him, it will not be long before he returns. The feelings, therefore, which the prison labour is calculated to generate, is a matter of the very last importance in a proper system of prison discipline. The question is not, how much work a convict can do, or how well he does it, or how closely he is kept to it, or how high a price it will fetch in the market; but with what *temper of mind* he performs his daily task? We cannot too earnestly urge the most serious attention to this point.

"We have not the slightest doubt that the necessity of prison labour will receive from all who are engaged in the administration of the penal system a large share of attention. But the views with which labour has hitherto been enforced appear to us to be mischievous and erroneous. By some, it is regarded only in connexion with considerations of economy and finance; by others it is viewed as subsidiary to the maintenance of the internal police and order of the prison; and by all it is thought to be indispensable as a most efficacious instrument of reformation. But labour, as such, and merely for its own sake, is neither the cause nor the sign of the prisoner's moral amendment. It is not liked by such characters when first imposed as a daily task; and the repetition of the act will not conduce to its being voluntarily embraced. The labour, therefore, which is constrained, will not be continued when the force which imposes it is removed; the industry which is compulsory will not only cease when the compulson is withdrawn, but the recollection of it will mingle ever after with the thought of labour of every sort, and will leave upon the culprit's mind a lasting distaste for those occupations to which it should be one of the leading objects of the prison regulations to inure him. Bodily exertions are never voluntarily resorted to, but from the hope of some enjoyment which they are to produce, and the enjoyment is thus identified with the means of procuring it. But whenever this association of ideas is broken, labour is deprived of those cheering accompaniments which render it a resource, as well as a duty; and the recollection of its distasteful character will adhere to the convict during his future life, and prevent him from betaking himself to it, even when his distresses might be supposed sufficient to overcome his dislike to toil. Forced labour must always produce this disagreeable connexion of ideas;

and whenever the coercion ceases, the natural aversion to fatigue will combine with the remembrance of the evils with which it was embittered, and make the culprit fly to vice to forget, or to crime to avoid it. If these reflections be well founded, employment should be offered to the prisoner, and regarded by him as an alleviation of punishment, not superadded to aggravate it. In short, no succession of involuntary acts, to which adults may be coerced, is calculated to produce permanent habits of industry; they must be the effect of the will, operated upon by the judgment, producing a conviction that such acts are beneficial. This brings us back to the position with which we set out, that the penal system ought to recognise the necessity, and to aim at the production, of permanent habits of labour. The system ought scrupulously to avoid all imposition of bodily exertion as a task, and to place the prisoner on his arrival in such a situation as shall soon lead him to solicit labour as an alleviation, as a source of positive enjoyment, as a privilege to which he becomes entitled, by the simple circumstance of having asked for it. The wish for the means of honest labour in one whose crime has probably originated in a repugnance to engage in it while at liberty is a hopeful sign in the newly committed offender, and is one of the leading characteristics and one of the noblest triumphs of a judicious and humane system of prison discipline. Under such a system effectual means would be taken to make the prisoner feel that labour is an indulgence and a solace; and then it would be offered to him as such. The prisoner would not be threatened with it as an evil, nor would it be urged upon his acceptance as an advantage to any but himself. And when he ceases to avail himself of the alleviation which labour is calculated to afford, it is withdrawn from him, and he is thrown back upon his previous position, to be again taught by the experience of its discomfort, that he has forfeited, by his own misconduct, the most effectual means of assuaging the painful tedium which arises from having no one to converse with, and nothing to do. Experience has shown incontestably that by proper management, and by a mode of treatment which secures the bodily health, and preserves the mental faculties unimpaired, the desire for labour may be speedily generated, and the habit of labour permanently maintained during the period of the prisoner's confinement; and that, too, not only with the concurrence of his will, but at its original suggestion.

"Another indispensable characteristic of a good system of prison discipline is, that the prisoner should be placed in such circumstances as shall most powerfully lead him to reflect upon his condition and conduct, and dispose him to receive, with docility and reverence, the instructions and admonitions of those appointed to teach and advise him. Of all the means which a sound system of prison discipline employs, moral and religious instruction is that from which the best and most durable effects are most generally and reasonably expected. But it seems to be forgotten that the best religious training depends, so far as human agency is concerned, upon the frame and posture of mind of him who is the subject of it. However earnest or judicious the teacher's addresses may be, they can make no impression when spoken in the ear of one who is indifferent, inattentive, or averse from receiving them. It is obvious that the frame of mind, in which offenders in general enter the walls of a prison, is not very favourable to religious impressions, or to the feelings which naturally dispose persons to the reception of such instruction as is fitted to lead them to self-examination, and to resolutions of amendment.—But if, in addition to the natural repugnance of such characters to entertain the thoughts which befit their condition, there be added the society of those who are similarly circumstanced; if they be plunged at once into all the bustle and activity of the prison; the marching and countermarching from the cell to labour, and from labour to the cell, six or eight times each day; the novelty of the scene around them, the excitement, the enforcement of regulations to which they are strangers, the punishment of the refractory, the subdued demeanour of the timid, the sullen submission of the morose, the shifts and expedients of the crafty, the threats and perplexities of the superintendents, all these acting powerfully and incessantly upon the mind of the convict, must completely occupy his attention, and produce a tumult and distraction of thought, and a total absorption in external objects, the most unpropitious that can be conceived to the profitable enforcement of religious truth. Such circumstances are neither calculated to originate serious reflections in the prisoner's mind, nor to foster and cherish them if they had previously existed there. On the contrary, the society of his fellow prisoners is to such a person a positive source of pleasurable feeling, a solace to the dispirited, a scene of excitement to the adventurous, and to all a most effectual means for stifling every serious thought, and for barring every avenue by which the prisoner's instructors might hope to urge home their admonitions and reproofs. The importance of this fact justifies the earnestness with which we have enlarged upon it. Experience attests the truth of our representations, and shows that no hope of the prisoner's permanent amendment can be justly entertained, where obstacles so formidable as those to which we advert are permitted to oppose the entrance, or neutralize the efficacy, of moral and religious instruction. No chaplain of a prison can rationally expect to succeed in his ministrations, when such impediments are thrown in his way; such a state of things must inevitably discourage even the most able and conscientious minister of religion from devoting his time and energies to a task which, in its very nature, must be hopeless; and thus would the State be deprived of the advantage of such a valuable functionary, precisely in those very circumstances in which the difficulties of the case would render his services most desirable and necessary.

"No good system, then, will contemplate, for a moment, the association of the inmates of a prison, however strict a superintendence may be exercised over them, or however short the time during which they are permitted to be assembled. No vigilance is sufficiently wakeful to prevent the rapid and subtle commerce of looks and gestures, nor can any quickness of hearing detect the furtive conveyance of imperfect but intelligible sounds. By the 'muttering behind the teeth,' unobserved by the keepers, but well managed and fully understood by the prisoners, while the lips are unmoved, the most mischievous communications can be made in the lowest whisper. The most pernicious intercourse is that which is carried on in secret, and the greatest skill of the culprit is that by which he is enabled to elude the watchfulness, or to triumph over the precautions of those set over him. Superintendence, it is true, can do something; but then it depends upon its severity; and severity produces evils as bad almost as those against which the superintendence is designed to guard. It excites irritation, feelings of hatred, resolutions of revenge, and passions gloomy, dangerous, and resentful. Under such circumstances as these, no benefit can be expected from instruction, religious or moral; and, indeed, it would be almost a mockery to employ it. We, therefore, maintain the necessity of adopting such a system as shall effectually guard against those evils, by placing the prisoner in such a condition as shall completely separate him from seeing or communicating with any one of his fellow-prisoners on any occasion, or under any circumstances whatever.

"Another requisite in a good system is one which we should have hardly thought necessary to notice, but for the unhappy neglect of it which some prison regulations of modern date have exhibited—we allude to the expediency of not making the prison a place of ease and enjoyment to the prisoner with reference to his physical necessities. We know of no annoyance that a prisoner feels more acutely than a bare sufficiency of coarse diet; and we are persuaded that the true secret of making such characters feel the discomfort of a prison life is to deny them inflexibly, and upon system, all approach to that pampering of the appetite, to which the private history of prisoners shows them to be especially addicted. A graduated scale of proper prison diet is a subject into which we shall not enter at present; but we take this occasion to state that it has received our particular and serious attention. Half of the reckless indifference, or rather we should call it the insolent gaiety of manner, which is shown by too many offenders on their committal, and during the whole time of their confinement, is owing to the certainty with which they look to the daily, regular, sufficient, and palatable diet which, without a thought or a feeling of anxiety on their part, is sure to be provided for them while under punishment. The extent of the mischief which is caused by this most impolitic indulgence, it is not easy to estimate. It is not for the advantage of the prisoner himself, it is injurious to society at large; and it is cruelly unjust to the poor but honest labourer and mechanic, who can seldom obtain by the sweat of his brow a diet so palatable and nutritious as that which in some prisons a criminal, living in idleness, or but lightly worked, enjoys daily at the cost of the state. We are not adverting to the quantity of the prison rations, which ought to be *quite sufficient* to maintain the prisoner in health; but we are referring to its quality; and that, we again affirm, ought to be of the coarsest, plainest, and least agreeable description compatible with health. And we refer to it the more particularly, because it is a privation of which the prisoner is most sensible, which may be inflicted with least injury to his health, and which may be made to mark most distinctly and effectually the difference between the fare of the honest and of the offending citizen. Other enjoyments, viewed in the light of comforts (as, for example, well ventilated cells, with good light, and sufficiently warmed in cold weather), are so necessarily connected with the prisoner's health, that no denial or diminution of them could be safely recommended; but coarse diet for a convict is a prison infliction at once safe and efficacious. The effect of this regulation would be greatly felt in its tendency to deter. It would, therefore, be good policy to adopt it; it would be more,—it would be mercy to the criminal; for trivial punishments encourage the prisoner to proceed in his career, till it is brought to an ignominious close; while judiciously severe punishments effectually arrest him at the commencement of his course. The more forbidding the aspect of the prison,—the more distasteful a prison life is rendered, by means which do not engender malignant passions or bodily infirmities, the more nearly shall we approach to that repression of crime which it is the object of a sound penal system to effect. Some systems contemplate only the reformation of the offender; others regard intimidation as the utmost that can be accomplished; the system which we are describing aims at both these ends, and will, we are convinced, in the majority of cases (which is all that can be expected) satisfactorily attain them.

"Having now enumerated some of the principal features of a proper and efficient system of prison discipline, we shall next proceed to lay before your Lordship evidence that there exists in the separate system all the requisites, and all the advantages, which we have described. But before we enter into a particular description of this system, concerning the nature and operation of which much misconception prevails, we are anxious to guard against a very general mistake, by which *separate confinement* has been inadvertently confounded with *solitary confinement;* taking the latter terms in the sense in which they are usually understood.

Nature and design of the Separate System.

"Separate confinement differs from solitary confinement both in its *nature* and in its *design*. Solitary confinement is universally and correctly understood to be a condition of as unmitigated, uninterrupted seclusion from human society as is practicable; often in dark or gloomy cells of small dimensions, ill ventilated, often damp, and destitute of those accommodations necessary for the prisoner's convenience, his diet being generally restricted to mere bread and water. Separate confinement, as we have said, is totally different in its *nature* from this. It differs from it in the following particulars: in providing the prisoner with a large, well-lighted, and well-ventilated apartment, instead of immuring him in a confined, ill-ventilated, and dark cell; in providing the prisoner with everything that is *necessary* for his cleanliness, health, and comfort during the day, and for his repose at night, instead of denying him those advantages: in supplying him with sufficient food of wholesome quality, instead of confining him to bread and water; in alleviating his mental discomfort, by giving him employment; by the regular visits of the officers of the prison, of the governor, surgeon, turnkeys, or trades' instructors, and particularly of the chaplain, instead of consigning him to the torpor and other bad consequences of idleness, and the misery of unmitigated remorse, resentment, or revenge; in separating him from none of the inmates of the prison except his fellow-prisoners, instead of cutting him off, as far as may be, from the sight and solace of human society; in allowing him the privilege of attending both chapel and school, for the purpose of public worship and education in class (securing, on those occasions, his complete separation from the sight and hearing of his fellows), instead of excluding him from divine service and instruction; in providing him with the means of taking exercise in the open air, whenever it is proper and necessary, instead of confining him to the unbroken seclusion of his cell. Separate confinement also differs from solitary confinement in its *object.* The object of separate confinement is the permanent moral benefit of the prisoner, an object which he can plainly see that the system has in view. The object of solitary confinement is solely to punish the prisoner, principally for violating the prison regulations, and that, too, by means always harsh and severe, and often vexatious and exasperating; and this, not to effect a lasting moral benefit for himself, but to uphold the prison discipline at the price of severe bodily and mental suffering. Under the separate system, an appeal is made to the moral sense and understanding of the prisoner; he is treated as a man, and with the respect and benevolence due to humanity, even in its lowest debasement. Under solitary confinement, on the other hand, the offender is treated as a being divested of the common rights, capacities, and feelings of human nature. It is upon his corporeal frame that the punishment is designed to act; no attempt, or but little, is made to appeal to his reason and conscience. This treatment tends to harden, provoke, and brutalize; whereas the other is fitted and designed to induce reflection, kindliness, gratitude, and amendment. In short, separate confinement is the separation of each offender from all communication and association with his fellow-offenders, regard being had to his bodily health, his mental sanity, his intellectual improvement, and his moral amendment, by inculcating industrious habits, and by religious and moral instruction. Solitary confinement is the seclusion of the prisoner, as far as is practicable, from all human society, attended with privations both bodily and mental, which are intended merely to inflict punishment, to subdue obstinacy of temper, and to uphold authority by the operation of pain and fear; it employs harsh measures to effect a temporary purpose.

"We have now gone into the discriminating features of these two systems at a length, and with a minuteness of detail, which the mistakes and misrepresentations that have been made on this subject have rendered absolutely necessary, and with a conviction that it is our bounden duty to bring more distinctly and prominently forward to public view the features of a prison system in which the public interests are so deeply involved. We now proceed to describe the nature, mode of operation, and effects of the separate system.

Features and Characteristics of a sound system of Prison Discipline possessed by the Separate System.

"In the first place, the confinement of a prisoner in a separate cell of suitable dimensions, and so constructed and furnished as to ensure to him pure air, sufficient light, proper warmth, and the supply of every needful convenience, is the most humane and judicious mode of restraining the personal liberty of the subject, whether viewed as a necessary precaution for enforcing his safe custody under the suspicion, or his punishment and reformation under the legal certainty of his guilt.

"By the separate system, the untried prisoner, innocent or guilty, can receive no injury from the foul contamination of profligate companions. Here the person who is unhappily the victim of an unfounded suspicion, which nothing but a legal investigation can remove, may await the hour which is to restore him to society with a full and confident persuasion that no eye shall see him, nor ear shall hear him, but of those whose duty it is to minister to his wants and to comfort him in his distress. His health is cared for—his morals are guarded—his feelings are respected—his friends are consoled by the persuasion, that however harsh the necessity may be which deprives him of his liberty for a time, that necessity is not embittered by the certainty that his reputation and his morals will be incurably wounded by a forced companionship with depraved, violent, or malignant associates. He has not wronged society—society has not injured him beyond what the exigencies of the case have rendered inevitable; and he resumes his station in the world uninjured in health, morals, and character. If this be the effect of separate confinement, no price can be too costly to purchase such a national advantage—no difficulties in the way of its establishment should be considered insuperable by the Legislature of a great, wise, and Christian Empire. We may therefore indulge the hope, that whatever other nations may be induced to effect with a view to guard from wrong the rights and feelings of its innocent members, England will not be slow to listen to the claims which justice, policy and humanity urge on behalf of those whose condition is the more lamentable, inasmuch as it is the result of a misfortune from which no individual in society can promise himself exemption for an hour. No man, whatever may be his station and character, can tell how soon it may be his lot to fall under groundless suspicion for an offence which must consign him to confinement in a common gaol; and we appeal to the feelings of every one who values untainted morals and an unblemished name, whether he would not willingly make any sacrifices to secure for himself and for those who are allied to him by the ties of kindred or friendship, a legal and certain protection and sanctuary from exposure to evils, the very apprehension of which is terrible to the imagination. If it be necessary to imprison a man whose guilt is doubtful, it is necessary also, if it be possible, and if that possibility be made apparent, to provide without delay an efficient guard for such a person against the mental agony to which the present condition of things, even in the best constructed and most judiciously managed prisons, must inevitably give birth. Thus much with reference to the untried.

"In regard to the convicted. It is plain that a very large proportion of those who are proved to be guilty may, by association with others, be rendered still more depraved in their morals, and more dangerous to society. This is shown to be the consequence of companionship in a gaol. It is the inevitable consequence of such companionship everywhere, and under all possible variations and circumstances. No preventive, short of that which renders impossible all intercourse between such characters, can be effectual. The separate system contemplates and accomplishes this: it is effected in a way at once simple and satisfactory; it subjects the prisoner to no minute and harassing regulations, it exposes him to no temptation to violate the prison discipline, and so avoids the necessity of having frequent recourse to prison punishments, by cutting off all inducement to the commission of those offences for which such punishments are inflicted. The pernicious intercourse which it forbids, it effectually prevents, not by making the indulgence of it inconvenient, but by rendering it impossible. The time, then, which would otherwise be spent in vain, or in successful attempts to carry on an interdicted conversation, is occupied in such thoughts as must naturally spring up in a prisoner's mind in the stillness of solitude, unbroken save by the visits, frequent and regular, of the officers of the prison. These officers are required to visit their charges, and to treat them with attention and civility, to listen to their just complaints, to supply their needful wants, and to teach them, by all they do and say, that the whole design of the system which they administer, is to prepare them, by the formation of habits of useful labour, and by the inculcation of important truths and duties, so to demean themselves, on their return to society, as to render unnecessary a repetition of their punishment. All that is calculated to bring about this desirable object is here provided; everything that has a tendency to frustrate this design is carefully excluded. In the selection of the means of reformation, it is never forgotton that the prisoner's condition is that of one suffering the penalties of the law; but in the mode in which the punishment is inflicted, nothing is employed that can produce needless irritation, or tend to the disturbance or distraction of the culprit's mind. The prisoner is thus humbled without being degraded; his temper is subdued but not irritated; and all feelings of false pride, which disdains to give way to authority, and which owes its existence and its vigour to the presence of associates, die within him, for want of that nourishment which alone sustains them. Personal vanity, which so often leads a prisoner to value himself on being regarded by his fellows as a 'staunch man,' here deserts him; for there is no one to applaud, admire, or see him.

"Next to the necessity of saving the prisoner from the evils of association, we have placed that of making him plainly see, from the commencement of his imprisonment, that the arm of the law is too strong for him. At the very outset he must be curbed, and made to feel his own weakness. All hopes of acting in concert with others, or of availing himself of any favourable opportunity, which a momentary relaxation of vigilance on the part of his keepers might afford him, must be completely cut off. And this the system of separate confinement alone can effect. Isolated from all help and sympathy from his associates in guilt, and seeing in the walls which encompass him a restraint which no exercise of individual force or ingenuity can overcome, the prisoner submits at once to the necessity of his condition, and delivers himself up without reserve to the reflections which it must suggest to him. It is a new thing for one, whose whole life has been passed in company with criminals, to find himself suddenly and totally sundered from such society; the transition from a state of excitement, to one of forced and unbroken quietude and repose, will infallibly turn the current of the thoughts into an unusual channel. Under such circumstances, the most degraded of criminals will be compelled to hold communion with his own conscience, and to hear, for the first time, perhaps. the rebukes of that internal monitor, whose voice is never heard with more effect than in those moments when all external intercourse is withdrawn, and when the hope of again plunging into the society, from which he has been separated, is viewed as a distant object. This feeling of solitude in him, whose enjoyment has hitherto sprung from guilty fellowship; this conviction of helplessness in him who had learnt to deride the wholesome restraints of law; this compulsory self-communion in one who had hitherto sought to escape from it as the greatest torment—these are the cicumstances which are best calculated to invest the prison with a severe and salutary sternness of aspect, which will be felt not merely by those who are directly subjected to its influence, but by thousands who will be moved by its terrors to avoid that course which would expose them to similar treatment.

"A most important requisite of a good system of prison discipline is the power of producing in the prisoner *permanent habits of useful labour*. Our present purpose is to show that the mode of treatment to which the offender is subjected under the separate system, is that which alone can be expected to effect this indispensable result. When we see a prisoner busily employed, we are not straightway to infer that he is acquiring a habit which will survive the term of his confinement; because the act of labour may be compulsory; and if it is, it will cease when the power which enforces it is withdrawn: and it will cease the more certainly, in proportion to the greater degree of severity with which its enforcement has been attended. Regular labour in an honest calling, is what the prisoner has not been accustomed to—it is what he is averse to. It is admitted that, by compelling the convict to perform a regular daily task, we accustom him to useful labour, and may in some cases impart to him considerable skill in the performance of it; but we must not forget that no iteration of compulsory acts will induce a habit. And here all forced labour fails. So far from overcoming the settled dislike which the convict has for regular work, we increase it by forcing him to do it. The prisoner regards his labour as a punishment, and he feels degraded by the regulations and penalties which enforce it: this is incompatible with the design of reformation. Naturally he feels a distaste for stated work. It is absurd to attempt to subdue that distaste, by setting him to daily employment under a penalty for non-performance. But this is done by every system of prison discipline which contemplates convict labour, except the separate system. Under that system the labour is voluntary; it is not imposed upon the prisoner as a task, but is solicited by him as an indulgence. The tedium and ennui of inaction and seclusion make him fly to labour as a resource from the pain of doing nothing. This is testified by all the witnesses who have observed the effects of separate confinement. The Eastern Penitentiary at Philadelphia has long been in operation upon this system; and we have before us, in the various Reports on the American Prisons, a mass of evidence bearing upon this point, proving incontestably this fact.

"We have mentioned, among the requisites of a good penitentiary system, its capacity to place the prisoner in such circumstances as shall most powerfully lead him to reflect upon his condition and conduct, and dispose him to receive with docility and reverence the instruction and admonition of his religious adviser. Not only is this advantage attained by the system of separate confinement, but it is not even pretended that it can be secured by any other. In claiming, therefore, for the plan which we advocate so indisputable a superiority as the sole possession of this indispensable requisite involves, we feel that it is incumbent upon us to satisfy your Lordship that our assertion is not merely sustained by argument, but that it is also borne out by facts attested by every one of those witnesses whose testimony upon the case has come under our notice. It might be expected, indeed, that the circumstances of a prisoner secluded from the world at large,—from his friends and kindred—from his associates in guilt, and delivered up for a time to uninterrupted and unmitigated self-communion, without a shadow of hope that he shall be able to hold any intercourse during his confinement with any one of his usual associates, must compel him to reflect upon the conduct which has brought him into this condition—a condition so new and so distasteful to a criminal, that nothing can be imagined more calculated to arrest the ordinary current of his thoughts, and to render him contemplative and submissive.

"The next requisite in a good system, is its capacity of being administered with *exact uniformity* in every prison, unaffected by the diversity of character and disposition which must be expected in the keepers and subordinate officers of the various establishments. The law obviously makes no difference in the sentence; none should be made therefore in the mode or degree of its infliction; nor should the same crime be punished with severity in the metropolis, which is leniently dealt with in other districts. But nothing is more striking than the inequality which marks the carrying into effect of the same sentence in different prisons, even under the same professed system. We confidently affirm, after an attentive consideration of the subject, that the separate system alone can fulfil this indispensable condition of a proper and efficient prison discipline. Our present business is to show that the separate system effectually accomplishes this; in the sequel we shall prove that no other plan that has yet been devised either does, or can, attain it.

"Another requisite of a good prison system, upon which we have enlarged, is a capacity of ascertaining easily, and of adapting itself with facility to, the character and temper of each individual prisoner. The efficacy of all moral treatment depends upon its suitableness to the disposition and circumstances of the person upon whom it is designed to operate. If, therefore, the moral amendment of the criminal be one of the objects which prison discipline has in view, measures ought to be adopted which shall serve to facilitate the development of his moral character; without an acquaintance with which no rational hope can be entertained of effecting his reformation. Again, when the character of the prisoner has been ascertained, so far as it is possible to discover it by judicious treatment, there ought to be in the system to which he is subjected such a moral flexibility as may enable it to adapt itself to the wants and circumstances of the individual. If the culprit be turbulent or refractory, he must feel at once that his wisest course is to submit: he should find none to encourage him in his obstinacy, to applaud his resistance to authority, or to sympathize in the sufferings which his rebellious spirit may draw upon him. On the other hand, if the prisoner be penitent and reflective—if he be disposed to view his guilty conduct with regret, and to regard his punishment as the just consequence of his misdeeds—he ought not to be discouraged by the presence of such as are disposed to deride his feelings of remorse, or to check, by their profane levity, his earliest resolutions of amendment. The chaplain cannot suit his admonitions to the circumstances of the culprit, unless he knows them; and he cannot know them, so long as the prisoner is associated with others; and if he knows them ever so well, he cannot address his charge with any hopes of success, or even with any rational expectation of being listened to, unless he can converse with him apart from his companions. Now this can only be effected under the system of separate confinement. No other system affords the slightest encouragement to the prisoner to discover his spiritual necessities, or to the minister of religion to act according to his knowledge of them. But when the convict is isolated, and led to reflection by the circumstances in which he finds himself placed, deprived of the sympathy of his guilty companions, encouraged to unburthen his conscience by an acknowledgment of his misconduct, and to resolve upon a life of honesty and industry for the future,—then, as we have seen in the case of the Eastern Penitentiary at Philadelphia, even under all the disadvantages of a confessedly imperfect moral and religious training, the success of the chaplain's efforts is most encouraging.

"In short, upon the offender in his separate cell all the moral machinery of the system is brought to bear with as much force and effect as if the prison contained no other culprit but himself. His submission then must be immediate and complete: he will be calm, for there is nothing to ruffle or discompose him: he will be disposed to self-communion, for he has no companion but his own thoughts; he will be led to listen with attention and respect to the instruction, reproof, or consolation, of his keepers and instructors, for almost the only accents of friendly intercourse are those which issue from their lips; and he will apply himself with ardour to the labour of his hands, for he will find in that a constant and sufficient resource from the insufferable burden of idleness and ennui. In fact, let the prisoner's character be what it may, he will, when thus circumstanced, at once reveal it; and the treatment which he experiences will exactly correspond with it, without difficulty, and without failure. This ought to be the case under a good system, and this the Separate System alone accomplishes.

"We have mentioned as another quality of a good penitentiary system—the effectual care which should be taken not to make the prison a place of ease and enjoyment to the prisoner, with reference to the supply of his bodily wants and personal comfort. There is a great tendency to forget this in the present day. The general attention which has been directed to the improvement of the interior of our prisons, and which has done much for the health of those who inhabit them, has unhappily not stopped short at that point to which it might laudably and legitimately advance; but has, in some cases, contemplated the improvement of the prisoner's diet and lodging to a degree which contrasts strongly and mischievously with the hard and scanty fare of the honest labourer and mechanic. There is neither justice nor policy in this. There is no necessity for the warmest and most diffusive philanthropy to overlook, in its zeal for the supply of the necessary wants of the prisoner, those principles of justice which demand his punishment, or to be unmindful of the feelings of the honest poor, which are naturally outraged when the guilty partake of indulgences which are denied to honest industry. The policy of such proceedings, too, is more than questionable: if the restraint by which society hopes to hold in check the fraud and violence of its criminal members be deprived of its strength by physical enjoyments, to which the guilty are not entitled, the barriers by which the community seek to arrest the prevalence of crime, will prove too feeble for the purpose; and our prisons, instead of being a terror to evil doers, will be but an incentive to the continuance and increase of their depredations. Let the wholesomeness and salubrity of our gaols engage all the attention to which they are entitled; but let not the prisoner's lot be one of ease and comfort; a condition of which an abandoned and worthless criminal, who has once had experience of it, will think lightly; and which he will not fail to recommend to his accomplices as a place of but little discomfort, if ever their detected delinquencies should place them there. If this be not attended to, we must not be surprised to hear that recommitments have fearfully increased. We have evidence before us to show that, in certain cases, crimes have been perpetrated with the direct and avowed design of obtaining a commitment to a *comfortable* prison! We have instances before us of culprits having postponed a meditated depredation until winter, with a view to take refuge in prison from the rigours of a cold season; and we find more instances than one of culprits having actually besought the keeper of the prison, on the day of the expiration of their term, to permit them to remain there! It may be questioned whether a compliance with such a request would have been so unreasonable as it might appear at first sight; for assuredly the treatment which those prisoners experienced was well calculated to justify the belief that they would not long abstain, after their enlargement, from a resumption of that criminal career, to make them forego which so little care had been taken. We do not say that the Separate System alone would offer a complete security against this evil; but we are certain that it would supply the easiest and most direct means of guarding against it.

"It may become expedient to have a graduated scale of diet, varying both as to the quality and quantity of the food, which ought to be coarser, and (where that could be effected without injury to the health) scantier for the more atrocious and habitual offender, and better, both in quantity and quality, for the less grave and less practised criminal. Now, we see not how this can be done without causing endless disputes, jealousies, irritation of mind, resistance of authority, and resentful feelings, so long as the prisoners are assembled together. No matter how judicious the classification, how watchful the superintendence, or how strict and unimpeachable the justice and fairness of the distribution of food, cases will be perpetually occurring which will provoke the dissatisfaction of the prisoner, and exercise the patience and forbearance of the officer, and sometimes, perhaps, in both cases, too severely. All this inconvenience may be easily and completely avoided under the separate system. The prisoner sees that he must submit. He sees the whole apparatus of the establishment arrayed against him for the just and simple purpose of ensuring his obedience to the regulations of the prison. He can make no mortifying comparison between his own treatment and that of any of his fellow-prisoners, for he can neither see them, nor the way in which they are treated. He can neither excite in others a mutinous spirit by his obstinacy, nor be encouraged in his own perverseness by the presence and applause of his fellow-prisoners. So that, under this system, the personal discomfort of the prisoner may be adapted to his character and power of endurance, without any one of those evil consequences which are incidental to every scheme which permits the association of the convicts; of these consequences, the most mischievous is that of exposing the officers of the prison to those provocations to resentment and ill-will toward any individual prisoner, which, under the separate system, can seldom take place. However severe the system itself may appear to the culprit, the behaviour of those who administer it may, and should, on all occasions, be marked with kindness and forbearance. Throughout the whole period of his imprisonment, the prisoner should be made to see that the treatment which he receives is the accurately defined and measured amount of suffering brought upon him by his own misconduct. With himself, then, he may feel great, deserved, and salutary dissatisfaction; but towards those who visit him in his cell, towards those with whom alone he holds any intercourse whatever, he feels only those emotions which he may be supposed to entertain with respect to such as come to supply his wants, to instruct him in his trade, or to give him religious admonition and consolation. We feel the less diffidence in claiming for the separate system this superiority over its rivals, because we have incontestable evidence to prove the efficacy exclusively possessed by the plan of isolation in calming the mind and subjugating the temper of the criminal, in making him submissive to the regulations, and obedient and respectful to the officers of the prison. We would, therefore, strongly urge the importance of the requisite upon which we have enlarged, and the excellence of that system by which an advantage so indispensable may be secured.

"The next quality in a good penitentiary system to which we have adverted, is that of excluding from the criminal all companions suited to his taste and habits. The obvious and peculiar adaptation of the separate system to the accomplishment of this object, and the facility and completeness with which it is calculated to effect it, renders it unnecessary for us to dwell at any great length upon this point. No fact in the history of criminals is better established than this, that they readily fraternize with each other. It is confederacy in guilt that renders evil-doers formidable to the community. It is the company of their associates that constitutes the chief charm of their existence. Nor is this to be wondered at. It serves to drown reflection; it affords a perpetual source of excitement, by the opportunity which it presents of recounting perilous or ingenious adventures, and of plotting together for the accomplishment of new exploits; and, lastly, it gives to each individual a sense of security and power, which arises from a persuasion that his own interest is identified with that of the whole confederacy. Hence it comes to pass that a consignment to prison has ever been regarded by such characters as affording them an opportunity of joining their old associates, or of forming new acquaintances. Hence it has been justly remarked by Mr. Livingston (in the introductory Report to his Code of Prison Discipline prepared for the State of Louisiana), that 'a prison destined to punish, would soon cease to be a fearful object, if the convicts in it could entertain at their pleasure those social relations in which they delighted before their entry into prison.' Nothing, in fact, can be stronger than the feeling of companionship among criminals; nor is any solace during their confinement looked forward to with more satisfaction, or sought for with more avidity, than the society of those whose crimes have reduced them to the same condition and degradation with themselves. Nay, let their intercourse in prison be ever so restricted, let it be totally suspended, still, says M. De Metz, 'the very presence of their companions has a perpetual tendency to call off the attention of the prisoners, to incite them to insubordination, to prevent repentance and reflection. Their self-love is gratified by perceiving that they have companions in wickedness and disgrace; and the recommitment, after a shorter or longer absence, which they witness, has the mischievous effect of persuading them that a return to an honest life is quite impossible.' But let the reflections of a criminal in society with others of the same character be what they may, his sensations and feelings, arising from the mere presence of his companions, cannot but be of a pleasing sort; he can watch for opportunities of exchanging glances with those whom he knows, and of cultivating an acquaintance by sight with those to whom he has hitherto been a stranger; his curiosity is piqued, his wits are constantly at work, his attention is ever on the alert to know something about those with whom he is compelled to associate. All this distracts and unsettles the mind: the prisoner either gratifies his curiosity, or is frustrated in his attempts to do so; and since he sees that he has been punished, not because he has done wrong, but because he has been found out, his next effort will be more guarded and more successful: he will be taught, by necessity, to sharpen his ingenuity, and to devise shifts and expedients; and his chance of success will be great even against the most vigilant and persevering superintendence that can be employed to baffle him. Considering, therefore, the strong and almost irresistible propensity which criminals feel to communicate with each other, and the exceedingly irritating character of the punishments which have been employed to prevent them from indulging in so natural and powerful an impulse, we are persuaded that the wisest and most effectual course is to separate them from each other; to interpose physical instead of moral impediments in their way, and to put a stop to all attempts at intercommunication, by showing at once that success is impossible. This is what the separate system professes, and is calculated to do.

"The last requisite of a good prison system noticed by us, is the effectual exclusion of everything that has a tendency to produce and uphold false courage in the minds of the prisoners. The importance of this we have already expatiated upon; and, indeed, it is so closely connected with the point which we have just discussed, that we think it needless to add anything to what we have above pointed out. The same feeling of community of interest which leads a criminal to seek the society of his fellows, will naturally indispose him to listen to anything that has a direct tendency to dissolve that connexion, so far as he is himself concerned, and to discourage any inclination that is evinced by any of his associates to enter upon an honest life, or upon any reflections or resolutions that may eventually lead to such an issue. How many thousands have experienced this blighting influence of vicious companionship it is impossible to tell; but we know that many a criminal has testified that his sincere and ardent desire to quit his criminal course, and to betake himself to an honest and industrious calling on his return to society, has been overborne and extinguished by the jeers and derision of his fellow-prisoners. Against this evil also the separate system effectually provides; and we might safely say that, if this were its only recommendation, it ought to be sufficient to ensure its adoption in a country where benevolent and Christian principles so extensively prevail. The preservation of the life of a citizen has ever been esteemed a noble and commendable act; but the recovery of a seduced and erring fellow-creature from the toils in which he had been ensnared and held captive by his profligate companions, and his restoration to a life of industry and virtue, is a far more noble and more difficult undertaking, and it is one of the practicability of which this age and nation are destined, we believe, to witness many exemplifications."

Authorities for Separate System.

Such are the reasonings extracted from the reports made by Messrs. Crawford and Russell, the Home Inspectors, in support of the separate system. The authorities, also, in favour of this system are numerous; amoung them the following may be referred to.

Hanway.

In 1775, Jonas Hanway published a treatise on police, in which he strongly recommends the separate imprisonment of criminals, with labour and religious and moral instruction. It is, indeed, remarkable to observe how nearly he anticipates the plan which has been subsequently followed. He says, for example : "The great object of my speculation, as a means of accomplishing the important enterprise proposed, is the building proper prisons. They are wanted in almost every part of the kingdom. Improvement must run through. It is upon this principle I found the doctrine of separation under imprisonment, whether for great crimes or little ones, before trials, or as punishments after them. In pursuit of this object I would spare no cost: I would be intimidated by no difficulties." "It is obvious that the use of an apartment for each prisoner is the only effectual means of calling forth reflection, and preventing disgrace and infamy." "The design of separation in imprisonment, whether for greater or lesser crimes before trial, or as a punishment after it, is of such moment, that we should spare no cost, or be intimidated by no difficulty to obtain it." In many of the details even of the system, he recommends measures which have since been adopted. "In the centre of the prison," he observes, "shall be a handsome chapel, the light to come in chiefly towards the top, the same being higher than the prison. This chapel should contain as many closets as the cells with which they ought to communicate. The prisoner attending divine service every day, the closets being so contrived that he may hear and see the clergyman, whilst a double grate prevented him seeing any other person."

Dedication, p. 12.

P. 65.

P. 231.

In 1777, Howard, the distinguished philanthropist, published his work on the state of prisons in England. But although this publication is more recent than that of Hanway, it is well known, and is stated by himself in his preface, that he had been many years previously engaged in the reformation of prisons. The chief attention of this benevolent man seems to have been absorbed by the physical sufferings of the prisoners, which appear to have prevented him from looking beyond them to more than an amelioration of their condition in this respect. There can be no doubt, however, that his opinions in reference to discipline were favourable to separation; and although this is not fully brought out in his book, it appears sufficiently from his joint labours with Sir William Blackstone and Mr. Eden, afterwards Lord Auckland, in obtaining the enactment of the statute of the 19 George III. c. 74, which became law in 1778. In this Act we find the principle of the separate confinement of prisoners, with labour and moral and religious instruction, distinctly recognised. The following is the preamble to the fifth section :—"And whereas, if many offenders convicted of crimes, for which transportation hath been usually inflicted, were ordered to solitary imprisonment, accompanied by well regulated labour and religious instruction, it might be the means, under Providence, not only of deterring others from the commission of the like crimes, but also of reforming the individuals, and inuring them to habits of industry." Following out this preamble, the Act goes on to authorize the appointment of supervisors, with power to fix on sites of two penitentiaries in any of the counties of Middlesex, Essex, Kent, or Surrey. It appears, however, that these intentions were not carried into effect; but after the Act had been allowed to expire, its principles were at length carried out in 1812, on the instigation of Sir Samuel Romilly, Mr. Wilberforce, and others, when an Act was passed, under which the general penitentiary at Millbank has since been erected. It was commenced in 1813, and completed in 1821, and is now a prison on the separate system, for the reception of 800 male, and 400 female convicts for England, Scotland, and Wales.

Howard.

Sir William Blackstone and Mr. Eden.

19 Geo. III. c. 74.

Dr. Paley may also be mentioned as a supporter of the system of separate confinement of prisoners. In the chapter of his work on Moral Philosophy, in which he treats of crimes and punishments, he says,—"Of the reforming punishments which have not yet been tried, none promises so much success as that of solitary imprisonment, or confinement of the criminals in separate apartments. This imprisonment augments the terror of punishment, secludes the criminal from the society of his fellow prisoners, in which society the worse are sure to corrupt the better, weans him from the knowledge of his companions, and from the love of that turbulent precarious life in which his vices had engaged him, is also calculated to raise up in him reflections on the folly of his choice, and to dispose his mind to such bitter and continued penitence, as may produce a lasting alteration in the principles of his conduct."

Paley's Moral Philosophy.

Sir Samuel Romilly, as has been mentioned, used his endeavours to enforce the principle of separation of prisoners, contained in the Act of 19 George III., and upon the occasion of his bringing forward a motion on this subject in 1810, he observed, that the plan contained in that Act was one "which was formed by some of the wisest men of this country, and who had devoted much of their valuable time to this important subject;—by Mr. Justice Blackstone, Mr. Howard, and Mr. Eden. The great objects which they proposed to themselves, were to reform the criminals, to seclude them from their former associates, to separate those of whom hopes might be entertained from those who were desperate, to teach them useful trades, to accustom them to habits of industry, and to give them religious instruction." "That plan, however, has remained on the statute book for upwards of 30 years without any effectual step having been taken to carry it into execution. In the mean time, the want of it has been severely felt, and all have confessed that the inconvenience and inefficacy of other punishments have rendered but too sensible the impolitic and injurious tendency of the present system." On another similar occasion, Sir Samuel Romilly said, "he was not favourable to solitary confinement, unless combined with useful labour."

Sir S. Romilly.

Hansard's Debates, vol. 17, p. 32.

Mr. Wilberforce, on the discussion of Sir Samuel Romilly's motion in 1810, said, "If we wish to consult economy, if we wish to resort to a plan which would reduce the expense of those whose vices point out the necessity of their removal from honest society, that advantage will be secured by this system, but that, though of some consequence, is secondary to the other good consequences which must follow, in the train of such an institution. The great and cardinal excellence of this system is to restore to society the unhappy wretch whose vices have brought him to premature disgrace. This great end is to be obtained by the discipline

Mr. Wilberforce.

Hansard's Debates, vol. 17, p. 339.

which he is to undergo while confined in the penitentiary house. Religious instruction and moral precept are to be applied to restore his mind to a sense of shame and repentance for his past conduct. While in this state of progressive reformation he is to be taught useful employment, so that when he is again restored to society he may not relapse into his former vices for the want of means by which he can earn an honest livelihood. During his continuance in this asylum he is kept apart from the contamination of a society worse than himself."

Mr. Livingston. Pittsburgh Ed. 1833, p. 308.

Mr. Livingston, the celebrated author of the penal code prepared for the state of Louisiana, has very ably discussed the subject of prison discipline in the "Introduction" to that work, and has not hesitated to assign the pre-eminence to the separate system; he says, "This double result of a rapid and before unheard-of decrease while the convicts were separated and employed, and an increase almost in the same ratio when they were suffered to associate, seems to solve the great problem of penal jurisprudence, and points to seclusion and labour as an effectual remedy for the prevention of crime." "My position is, that imprisonment, with seclusion and labour as a punishment, will diminish the offences for which it is inflicted; but that imprisonment without seclusion will increase them." "When it is seen that offences, which were committed to avoid labour, and to increase the enjoyments of society, lead only to solitude and labour; and that the passions which caused the more serious crimes are to be kept under the rigid restraint of abstinence and reflection in the fearful loneliness of a cell; when these examples are permanent, and, by a rigid administration of justice believed to be inevitable, who that studies human nature can doubt the effect? Solitude and labour, then, are the two great remedies."

MM. de Beaumont and de Tocqueville. Penitentiaries of the United States. Philad. Ed. 1833. P. 23.

MM. de Beaumont and de Tocqueville have spoken of the Philadelphia Penitentiary in terms which clearly evince their preference of the system there enforced. "If it is true," say these gentlemen, "that in establishments of this nature, all evil originates from the intercourse of the prisoners among themselves, we are obliged to acknowledge that nowhere is this vice avoided with greater safety than in Philadelphia, where the prisoners find themselves utterly unable to communicate with each other; and it is incontestable that this perfect isolation secures the prisoner from all fatal contamination. As solitude is in no other prison more complete than in Philadelphia, nowhere also is the necessity of labour more urgent. At the same time, it would be inaccurate to say, that, in the Philadelphia Penitentiary, labour is imposed; we may say, with more justice, that the favour of labour is granted. When we visited this Penitentiary, we successively conversed with all its inmates. There was not a single one among them who did not speak of labour with a kind of gratitude, and who did not express the idea that, without the relief of constant occupation, life would be insufferable.

P. 59.

. . The Philadelphia system being also that which produces the deepest impressions on the soul of the convict, must effect more reformation than that of Auburn (the silent system.) . . Let the prisoner see no one but his keeper or a minister of the gospel, and let him reflect in his cell upon his past course and his future prospects; but that his reflection may not be too intense, give him employment; and he will come out, not only a better man, but with the advantage of not having been seen, known, and marked as a convict. It is found by experience, that nothing has a stronger tendency to soften the hard, stubborn, vicious character, than absolute seclusion, and that is precisely the point to be obtained with the convict."

Dr. Julius.

Letter to Mr. Crawford, Leipzig, 1837. H. I. 3 Rep. 76.

In the year 1834, Dr. Julius was commissioned by the Prussian government to visit and report upon the penitentiaries in the United States, and he has communicated the result of his inquiries in a letter to one of the Home Inspectors. He says, "I most fully confirm what you state in your report, that the advantages of the Auburn (silent) system are nowhere better exemplified than at Wethersfield; nevertheless, during your journey in the different States, you met with no one who more decidedly declared himself favourable to entire separation, opposed to the silent system, than the governor of that prison. I ought also to add, that, besides this officer, I have found many other governors of prisons, constructed after the Auburn system, who acknowledged, with a praiseworthy sincerity, that if they could change their penitentiaries, they would give the preference to the system carried on in Pennsylvania. And must I speak of myself?—I declare candidly, that, upon an examination of my own conscience, and the knowledge I have acquired of the different systems of prisons in Europe and America, none has appeared to me to present so much equity and justice in the infliction of punishment, or affords so many chances of reformation, as that of solitary confinement, combined with the regular visits of the officers of the prison, such as the inspectors, chaplain, governor, and medical man. I say *chances* of reformation, because human efforts are necessarily limited, and can only go so far as to ward off, as much as possible, every impediment likely to prevent the influence of Divine grace, which is the only source of good, and can alone accomplish the real reformation of the guilty."

MM. Mondelet and Neilson.

In the summer of 1834, the Hon. D. Mondelet and J. Neilson, Esq. were commissioned by the Government of Lower Canada to visit the principal penitentiaries in the United States, and report upon their construction and discipline. In their report made in the commencement of the following year, after a review of the different systems pursued in the several prisons which they had inspected, they state, "that the foregoing considerations have inclined the Commissioners to prefer the Philadelphia system, notwithstanding that it offers less immediate profit, and may, even for a time, entail considerable expense." In the Journal of Mr. Neilson, appended to the Report, there is a circumstantial account of the discipline, from which we make the following extract:—"The prisoner is in every way treated with humanity, spoken with as a being susceptible of reason, and to be guided by reason; he is not under the presence of mere force or arbitrary infliction; he is restrained only in obedience to the law after a fair trial, and under the sentence of the law which he has violated. Nothing vindictive appears, but rather regret at the necessity of that restraint to which he has subjected himself, and in which regret (with time for reflection, out of the reach of existing causes and temptation,) he can hardly fail to participate, and form resolutions, at least, against so great a falling off in future. If there are subjects strong enough to adhere to these resolutions, there can be little doubt of the efficacy of the system, and the full attainment of the object in view."

M. de Metz.

Rep. p. 43, 44.

M. de Metz, the commissioner of the French government, has given his decided preference to the system of Pennsylvania, although he had previously been disposed to give his judgment against it. This gentleman, as one of the judges of the Royal Court at Paris, has had much experience in the administration of justice. In a letter addressed by him to the Council-general of the department of the Seine, he says, "I quitted France strongly prepossessed against the Pennsylvania system. But, since I have seen the system in operation, my opinion has undergone a total change; and it is that very system which my conscience now compels me to put forward and contend for." In his Report on the Penitentiaries of the United States, in which he has given a very elaborate and interesting account of the nature and working of the silent and separate systems, as administered in America, M. de Metz thus announces his preference of the latter, and the grounds upon which it is based, "In this system we find advantages ensured both to the convict and to society. Contamination is impossible; reformation is probable, and, in very many cases, certain. The solitude is favourable to reflection, to meditation, to devotion, and to reading. Moral and religious instruction is not disturbed by anything that has a tendency to produce distraction of mind in the prisoner. There is this further advantage, that the convict's character and peculiar temperament can be ascertained, and the admonitions and encouragements which are designed to affect his heart, can be adapted to his previous course of life, his habits, and education. The punishment, under this system, is proportioned to the degree of the prisoner's delinquency; for solitude is more or less afflictive, according as the culprit's guilt, or moral debasement, is greater or less; for while the isolation is tolerable for him whose term of imprisonment is short, and who is consoled by the expectation of soon being able to enter upon an honest life; it is terrible for the offender who looks forward to long years of sorrow and remorse. The solitude thus carries with it, simply by the degree of its duration, a penalty proportioned to the gravity of the offence which it is designed to punish. By availing itself of the peculiar discipline within its reach, its rigour can be modified, till it nearly loses every mark of severity on the one hand, or till it acquires the utmost intensity on the other, without having recourse to any of those inflictions which are so revolting to the more refined feelings of civilization and humanity of the present age. Under this system likewise, the period of confinement may be abridged, and the public expenses proportionably diminished. In presenting to the convicts opportunities or encouragements to amendment, it shields them from the shame of exposure, and permits them to take their station in society, without the apprehension of being expelled from it, and it enables them to pursue, in peace and quietness, that trade or occupation which they may have learnt in prison. Labour will be followed with more attention, and the prisoners will make greater advances towards perfection in their work under this plan; and, by applying themselves to occupations that are sedentary, and may be carried on without the assistance of others, they will acquire a knowledge of such handicraft as will be most serviceable to them for the rest of their life. Such are the principal motives by which we have been led to advocate the system of Pennsylvania, which has now the sanction of time and of experience. Moreover, we have to remark, that this system has, from its commencement until now, been daily acquiring additional suffrages; it has brought over to its side many who had previously opposed it; and all who, for the last seven years, have visited the American penitentiaries, have given the preference to that of Philadelphia."

P. 42.

M. De Metz notices the different writers who, having visited the United States, had avowed their persuasion of the superiority of the system of separate confinement, enforced at the Eastern Penitentiary of Pennsylvania, and after remarking the important fact, that experience had shown that the system of isolation was not injurious to the health of the prisoners, he thus concludes,—"After what has been said, the decision of the question is easy, and it will readily be understood that I am decidedly in favour of the system of Pennsylvania. Such has been the progress, too, of public opinion in the United States; with scarcely one exception, we have seen every man of note adopting the same views; and it was among the very persons who were engaged in carrying into effect the silent system, that we have found the warmest supporters of that of separate confinement. Of seven wardens, five have strongly expressed to me their conviction and preference on this subject."

M. Blouet, Rep. p. 114.

M. Blouet, the architect of the French government, who was united with M. De Metz, in the mission to America, thus confirms the opinions of his colleague:—"With reference to moral considerations, which, in my opinion, are all in favour of the system of Pennsylvania, M. De Metz has fully set them forth in his report; and as the investigations and inquiries he made led him to a conclusion in favour of that system, so I also must declare, that my convictions on this subject are the same as his; and I am the more confirmed in my opinion, when I know that it is partaken by the great experience of Messrs. Crawford, Russel, Julius, and others."

M. Ducpetiaux.
Reforme Penitentiaire.

Vol. ii. p. 226.

M. Ducpetiaux, Inspector-General of the Prisons at Belgium, is also a high and decided authority in favour of the separate system. In his work on the progress and actual state of Penitentiary Reform, published at Brussels in 1838, he gives a view of the penitentiary system in America, and in the various countries of Europe, by whose governments this subject has been attended to; and after an examination of all the systems of discipline in practice, he recommends that of separate confinement by day and night, with labour and religious and moral instruction, to his own government. "It is," he observes, "to the imperfection of former results, and to the long and fruitless trials of the theory of imprisonment in common, that we owe the theory of solitary imprisonment, which, introduced for the first time on a great scale in America, in the Penitentiaries of Philadelphia, has since spread over the other States. New Jersey, Rhode Island, Missouri, the city of New York, and the province of Lower Canada, have already adopted it; and England, which first set the example, has re-established it in the Penitentiaries of Millbank, of Glasgow, and elsewhere. Solitary imprisonment satisfies all the essential conditions of the theory of imprisonment, whether for the custody of the untried, or the punishment and reformation of the convicted. It guarantees the security of prisons in rendering conspiracy impossible, and in augmenting the difficulties of escape. In establishing a complete and absolute separation among the prisoners it prevents mutual corruption." P. 232. "This mode of imprisonment further acts, so to speak, of itself, and in virtue of its own nature, independently of the assistance of subordinate officers, of whom the choice is so difficult, and whose capacity is so doubtful. This is a merit which should alone suffice to give it a preference over the system of classification, which requires the active and enlightened concurrence of all its inferior agents. In the separate system, the work of reform is in the hands of the higher functionaries,—governors, chaplains, teachers,—whose education and experience assuredly render them more fit to study the character and hearts of the convicts, and, consequently, to aply to their several situations the proper remedies." Elsewhere he P. 199. says, "No system is more proper than the system of separate imprisonment for aiding the minister of religion in his mission of regeneration, and in this view also it merits a preference over every other system."

M. Moreau Christophe. P. 388.

M. Moreau Christophe, Inspector-General of the Prisons of France, in a recent work on the reform of the prisons of that kingdom, assigns the superiority to the separate system. He says, "This system is the only one that can at once render satisfaction to public justice, by making the offender expiate his crime; intimidate evil-disposed persons without, who might be tempted to follow his example; prevent the contagion from spreading; occasion the reformation of the culprit, by rendering his repentance possible, by the very influence of the punishment he undergoes. This system is the only one that fulfils *all* the conditions of a complete penal discipline, and which, therefore, in my opinion, ought to be substituted for every other." After taking a view of the rapid advancement of the Philadelphia (separate) system, notwithstanding the ground which its rival system (that of Auburn—silent) had gained, both by its longer standing, its more numerous establishments, and its many zealous advocates, he asks P. 389. "To what cause, then, is the Philadelphia system indebted for its amazing and unexampled success, but to its own efficacy, even more than to the imperfections of the Auburn system? If the system of Pennsylvania had no other beneficial result than to prevent the prisoners from recognising each other, this single advantage would give it a decided superiority over every other. For there always exists so great a tie between those who have been thrown together in a prison, that when they have undergone their sentence, and are afterwards restored to society, they mutually depend on each other. Feeling themselves compromised in each other's eyes, if one of them contemplates the commission of a crime, the other is almost compelled to aid him in it. It follows, therefore, that if the character be not entirely changed, a relapse to crime is inevitable. This snare, so fatal to discharged prisoners, is indeed partially avoided at Auburn; but the danger is much more surely guarded against at Philadelphia, where the prisoners NEVER *see each other*. We are not, then, to be surprised at the very decided reaction on this subject which, at this moment, is taking place in public opinion, and even in the minds of political economists in France."

Le Vte. Bretignères.

Another authority in favour of separate confinement is M. le Vte. Bretignères de Courteilles, Membre de Conseil-Général de Indre et Loire. In his work, "Les Condamnés et les Prisons, ou Réforme Morale, Criminelle, et Pénitentiaire," after an elaborate inquiry into the P. 349. subjects comprised in this title, he sums up in the folllowing manner:—"If I have shown that punishment ought to be repressive, exemplary, and reformatory; that is justice, and the value of the opportunity it affords, ought to be admitted by those who undergo it, by those who direct and those who witness its infliction; I shall have produced the same conviction in the minds of my readers which has been impressed on my own; and each individual will conclude, from all that I have collected, from the study of facts, and of the human heart, and from a scrupulous examination of the works which, up to the present time, have been published by men of every epoch and of every opinion; each, I repeat, will conclude with me, that both the moral and material reform of our prisons is a social necessity; and that it cannot be effected but by a revision of the criminal law, and by the entire adoption of the system in force in the Eastern Penitentiary at Philadelphia. Each will be persuaded, that, with reference to religion, philosophy, health, construction, and finance, this system is possible and practicable. That it is adapted to the untried, to the accused, to the trivial delinquent, to those condemned to long periods of imprisonment, and to the gravest criminals; for it may rescue them from the scaffold. That it is the protector of individual liberty, and of the equality of the law, whilst it preserves the dignity of man. Let us hope that the Chambers will adopt it; that they will admit the principle of the moral reformation of criminals, and will not shrink from any of its consequences. It is on the government that its execution depends. One of the first conditions of this vast reform assuredly is to give to the administration of penitentiaries a legal impulse and a uniform direction by means of central government."

Objections against the Silent System.

Having thus stated the argument and authorities in favour of the separate system, it may be proper to advert shortly to the leading objections to the only other system which comes into competition with it—"the silent system."

The first objection is, that this system, although it professedly aims at the interruption of intercourse between the prisoners, and for that purpose employs a complicated and extensive machinery, does not, in fact, attain the object. This is proved by the number of punishments which are recorded in the returns from those prisons which are conducted on the silent system. The Home Inspectors gave a digest of gaol returns annexed to their Third Report, exhibiting respectively the number of prisoners confined in the course of the year 1837, in each prison in England and Wales, and the number of punishments for offences within the prison inflicted in the same period. On an examination of these tables, it will appear that the punishments which are inflicted in these prisons conducted on the silent system, greatly exceed those inflicted in other prisons. In order to show this, the two Houses of Correction at Cold Bath Fields and Wakefield are selected as those in which the silent system is most carefully and strictly carried out; and we find that, in the course of that year, there were in—

	Prisoners.	Punishments.
Cold Bath Fields	9,750	13,812
Wakefield	3,438	12,445
Being in these two prisons alone	13,188	26,257
While, in all the prisons in England and Wales, there were no more than . . .	109,495	54,825

Whilst, therefore, these two prisons contained rather less than *one-eighth* of the whole number of prisoners, there were inflicted within them nearly one-half of the whole number of punishments. But even this amount of punishments, great as it is, cannot be said to be a fair and adequate representation of the actual amount of violation of the rule of silence sought to be enforced, unless it can be maintained that every detected violation of the rule has been punished, and every violation of the rule has been detected. It seems to be impossible, therefore, to maintain either of these propositions. The Home Inspectors state that they can show, from positive testimony furnished by those in the administration of the silent system, that they do not punish every offence of this sort which they detect, and they very reasonably conceive it to be impossible that every attempt of the prisoners to communicate with each other by looks or signs, or whispers sufficient to convey intelligence, can be found out.

"But, in point of fact," they observe, "most of the keepers of prisons upon the silent system 3 Rep. p. 93.
confess that punishments however numerous or severe they may be, do not deter the prisoners from occasionally talking. Corporal punishment being forbidden in this country, the means which the system employs are principally confinement in dark cells, or reduction of diet; both of them objectionable on various grounds, but especially on account of their tendency to impair the health and irritate the temper. The reduction of food, in particular, requires much discretion and management on the part of the governor in inflicting it as a penalty; and the necessity of so adjusting the privation to the physical wants and condition of the individual as to avoid injury to his health, deprives it, in a great measure, of the character of a punishment. This is constantly admitted and complained of.

"Another objection to the silent system is, that by daily assembling the convicts in the sight of each other, it exposes them to recognition, This is a very serious evil, inasmuch as it operates as a discouragement to reformation, and to the resolution, on the part of the prisoner, of pursuing an honest course of life after his enlargement. How can it be expected that a convict will apply himself with zeal to his allotted task, when he knows beforehand that whatever skill he may acquire, whatever occupation he may pursue, they may be rendered useless to him when he rejoins society, by his meeting with his former prison associates, who, if they see him engaged in any honest course of life, may blight all his prospects by publicly denouncing him as a liberated convict."

Another objection to this system arises from the nature of the superintendence which is found necessary to enforce it. "When we consider, on the one hand, the strong and multiplied temptation to the infringement of the discipline to which the silent system exposes the convict, and, on the other, the absolute necessity of strictly enforcing that discipline, we shall see that a most important feature of the silent system is superintendence; and that all the agents by whom that superintendence is exercised, ought to possess capacity and integrity;—vigilance that never sleeps, alertness that never tires, integrity that cannot be corrupted. Now, who are these agents for the most part?—Prisoners. But what class of prisoners?—Often the worst; those whose terms of confinement are longest, whose guilt is consequently greatest, whose morals are, therefore, most depraved. These are the persons upon whom the system has hitherto mainly depended for its successful working. We do not say that a grave offender may not have all that quickness of eye and ear, and all that acquaintance with the artifices and expedients by which prisoners seek to convey their thoughts to each other, which is necessary; but where are the uprightness and impartiality, the absence of all private favouritism or malice, which are as necessary ingredients in the character of a good and efficient wardsman as any others? Surely we shall not find all these moral attributes in convicts; and if we do not, what becomes of the system?

"But let us grant that we may find all these qualifications, physical and moral, in the prisoners; is there nothing repugnant to morality and justice, in selecting the gravest offender in the gaol, lifting him above his less guilty companions, investing him with authority, placing him in a station of trust, exempting him from the merited punishment of his crime, and putting it in his power to render mild or oppressive, to straiten or relax, at his own discretion and caprice, the exercise of that discipline, in the due administration of which the interests of justice and the public safety are concerned? What can be said of the morality of that system which exhibits, even in its important agent, an example of violated law, by the illegal remission of punishment; and a violence to the sense of justice and humanity, by subjecting the less guilty offender to the control of the more depraved? But we object not merely to the employment of prisoners as wardsmen or monitors, but also to their employment in any occupation whatever, except in the ordinary prison labour. A culprit is placed in prison to undergo a punishment, not to discharge a service; and any employment that makes him forget or overlook this, tends to destroy the penal character of his confinement—to abate the sense both of his guilt and suffering.

"Let us, however, suppose this abuse remedied by the exclusive employment of salaried agents, sufficiently numerous for the exigencies of the case, and honest enough for the due discharge of their important trust; where shall we find officers in sufficient numbers, possessed of all the qualifications for working efficiently the silent system? Honesty, integrity, and vigilance, are not sufficient; there must be a knowledge of all those shifts and expedients, all those diversified tricks and significant signs, which are well known and understood by prisoners, but not so with the uninitiated. If these are to be prevented or detected, they must be understood; but they will be seldom understood except by the prisoners themselves, who contrive by means of them to carry on a secret correspondence, demoralizing to each other, but frequently imperceptible or unintelligible to those who have not been trained to an acquaintance with them. External order is no evidence of the successful interdiction of intercourse; turbulence or noise are not necessary to aid them in their communication with each other. If we look to the subordinate officers, they have comparatively but little interest in the success of the system; if they can preserve outward decorum, and suppress all audible conversation, with too many, their duty is done; further than that they look to nothing but the Saturday night's wages; and if in spite of their efforts it is found that communication of an injurious kind goes on, they defend themselves by stating that they cannot be expected to perform impossibilities: and they plainly see that the prevention of all intercourse is impracticable.

"Another objection, against which the advocates of the silent system have endeavoured to defend it, is the inadequacy of the measures adopted for the moral and religious instruction of the convicts. The discipline, in fact, is directly at variance with the means which are employed for the reformation and amendment of the prisoner. The bustle and activity of a manufactory (and many a prison upon the silent system is nothing more,) the irritation of mind produced by the infliction or dread of punishment; the constant watch to which all the convict's looks and movements are subjected; the hurry and agitation of mind which the observance of numerous and perplexing regulations are perpetually keeping up; the exposure to recognition on the part of his guilty associates; all these are calculated to banish reflection, prevent self-communion, and shut out religious instruction, or speedily to efface any good impression that may have been produced. Even if all these evils could be guarded against it is not easy to see what opportunity could be afforded, under this plan, for the moral and religious training of the prisoner. The whole time of his working hours is passed either in constant labour, in marching and countermarching, and in the brief space allowed for his meals. After a day thus spent, when the prisoner retires to his cell, what time and inclination can he have for meditation or instruction? He is, of course, fatigued by his day's work, and disposed to sleep rather than to think. And if he be wakeful, it is more likely that his thoughts should revert to the past transactions of the day, than to such reflections as the seclusion of his cell might otherwise suggest. When the advocates of this system point with satisfaction to the order and assiduity which are apparent during the hours of labour, and ask whether any demoralizing intercourse can take place under such circumstances, they appear to forget that there are numerous other occasions during the day, of which the convicts can and do avail themselves for the purpose of intercourse. The assembling together for washing in the morning, the marching from cell to wheel, and from wheel to cell, the occurrence of disputes and punishments, the proceeding to and from chapel, the juxtaposition during the time of meals;—all these afford to the prisoner varied sources of amusement, or distraction of thought, opportunities for communication, temptations to violate the rules, bringing with them offences against the prison regulations, and consequent punishment. Such is the continued flutter and hurry of mind in which the convicts are kept by this system; and nothing can be imagined more unfavourable to the reception and efficacy of that instruction which it professes to give them. We cannot too earnestly solicit your Lordship's notice of the working of the silent system under this particular view. Instead of that quiet, tranquil and submissive state of mind, which it is so desirable to produce and maintain in the convict, the system perplexes, irritates, and provokes him, the maintenance of the discipline requires, on his part, undivided and unintermitted attention to the means which are necessary to uphold it; his mind must be perpetually on the alert; whether he be desirous of conforming to the regulations, or of devising the means of evading them, his thoughts must be engrossed by the system. If his mind is diverted to other objects, and he be for an instant unmindful of the restraints which the prison rules impose upon him, he can scarcely fail, through inadvertance, to commit a violation of them, and thus render himself liable to punishment. We need not dwell upon the injurious effects which the consciousness of being perpetually watched, must produce upon the mind of any individual who is disposed to reflect upon his past misconduct. The most advantageous opportunities for self-examination, and the useful impressions, which, under different circumstances, imprisonment might be made the instrument of effecting, are thus lost; and the silent system thus becomes the means of frustrating the efforts which the minister of religion may be disposed to make for the prisoner's improvement and reformation. The great aim of a good system ought to be to put the prisoner in the wrong; to make him feel that all he suffers is the fruit of his own wrong-doing. But, to superinduce upon the original sentence, the propriety of which the convict cannot question, a number of annoying privations and penalties, the necessity and justice of which he cannot see, and will not acknowledge, is to place the penal system itself in a false position. The convict's sense of his own guilt is merged in the stronger feeling of resentment. Such is the frequent effect of the silent system. Mr. Livingston, in his Introductory Report to the Code of Prison Discipline, has marked and denounced this tendency in the silent system with a strength of reasoning and force of expression which

Livingston, p. 313.

are irresistible. '*Fear*,' says he, 'is the great principle of this institution, and chastisement of the most degrading kind is the instrument to excite it. A superficial view of this subject has led to the belief that the great secret of penal legislation is, to annex a penalty of sufficient severity to every offence; and, accordingly, all the variety of pains that the body of man could suffer, infamy and death, have figured in the codes of all nations; but they have never produced the expected effect. The reason is to be found in that insurgent spirit with which man was endowed by his beneficent Creator, to answer the best ends of his nature. The same feeling that, elevated, refined, and applied to the noblest purposes, animates the patriot to resist civil tyranny, and the martyr to defy the flames; when it is perverted, and made the incentive to vice and crime, goads on the convict to arraign the justice of his sentence, to rebel against those who execute it, and to counteract its effects with an obstinacy in exact proportion to the severity of the punishment. The convict, therefore, who has performed his daily labour, even for years, under the pang or the dread of the lash, will be rather less deterred from the repetition of his crimes, whenever he thinks himself secure from detection, than he would have been by a milder discipline; because the spirit of hatred, revenge, and a desire to retaliate on society, are stimulated and strengthened by the principles which I have supposed to be inherent in our nature.' The silent system appears to us to be ingeniously contrived to excite in the prisoner all those feelings to which this eminent Jurist alludes, to bar up every entrance by which moral or religious instruction might gain access to his mind, and to place the convict in a posture of hostility against every one of the agents by whom the discipline is maintained.

"A further objection to the silent system is the dangerous amount of discretionary power with which it unavoidably invests the governor and the subordinate officers. It is too much to expect that all the agents by whom this system may be administered will act with that unimpeachable integrity, that exactness of judgment, and evenness of temper, which alone can qualify any officer to enforce the regulations of the silent system. And yet if the officer swerve from the precise line of duty, it is hard to say whether he would do more mischief by erring on the side of severity, or of leniency. In the one case, the system would be one of silence merely in name; in the other, it would be an instrument of oppression which ought not for a moment to be tolerated. There are numerous punishments for trivial offences, inflicted at the moment by the inferior officers, which they never think of registering, or even reporting. Who can tell the amount of unrecorded suffering which this system has been the means of inflicting upon the criminal population who from time to time have been subjected to its discipline; to say nothing of that spirit of resentment and vengeance, which such treatment must necessarily engender! The glaring absence of uniformity in this respect which the accounts of visitors to prisons upon this system in America exhibit, are no more than might naturally be expected. 'We observed,' says M. de Metz, in his Report to the French Government, 'that at Auburn they had the power of punishing at their discretion the faults and misbehaviour of the prisoners; but that they were obliged to notify the punishments to the sub-warden. At Sing Sing there was no obligation to observe the latter regulation; they punish when they like, and are not under the necessity of giving an account to any one in authority. At Auburn we saw a register containing a daily statement of the offences of the prisoners, the nature of the punishment, and the name of the officer by whom it was determined. At Sing Sing there was nothing of the kind; we could not even guess what was the number and gravity of the offences and punishments there.' In another place he says, 'Is the punishment equal for all the criminals? We may answer, without hesitation, no. The lightness or severity of the punishment will depend entirely upon the temper of the Warden. Where that officer is severe, the discipline will be rigorous, and the punishment oppressive; where he is kind, the punishment will be mild, and it will happen, as at Washington, that the convicts will prefer staying in prison, to the obtaining of their freedom. This difference in the degree of the punishment will take place, not only between different penitentiaries, it will be observable even in workshops in the same prison; at Auburn we saw an officer who punished with the lash every infraction; another had recourse to corporal punishment only when his warnings proved unavailing.'

De Metz, p. 16—26.

"Another objection to the silent system is its utter unfitness for general adoption, in consequence of that want of uniformity in its administration, which is inseparable from its very nature. Our attention has been repeatedly drawn to this feature in the system. The discipline is of a nature which must inevitably take its tone from the moral character, and even from the physical qualifications, of the individuals by whom it is administered. In the hands of a conscientious, vigilant, active keeper, who has great quickness both of sight and hearing, and who can readily detect a prisoner in his secret attempts to evade the rule of silence, or to communicate by signs or gestures, the system will be well worked; although we are far from conceding, even in this favourable view of the case, that it would successfully prevent all demoralizing interchange of thought between the convicts. And if, besides the characteristics which we have supposed the officer to be possessed of, he be also endued with that firmness of mind which will not overlook an offence, but invariably visit every detected transgression with immediate punishment, there will be constant irritation and annoyance as the fruit of the system when inflexibly administered. But between the case which we have now supposed, and the most opposite that can be imagined, there will be endless varieties, all imparting to the administration of the system a diversity, ranging between the greatest severity and the most pernicious laxity. A sentence for a given term in one prison will be a consignment of the prisoner to a treatment at once harassing to his body and mind; while in another prison the very same sentence will neither impress him with a sense of the guilt of his past offences, nor deter from future crimes.

"Another objection against the silent system is, that it has been found utterly impossible to enforce the discipline with female prisoners. This is very generally admitted. The chief difficulty has arisen from the impossibility of finding female officers possessed of sufficient judgment and firmness to maintain the regulations of the system with that strictness and inflexibility which are indispensable to its efficiency. This universal tendency on the part of the female officer to remit her strictness and vigilance of superintendence, requires to be constantly checked by the presence and authority of the governor; and yet he cannot, for obvious reasons, attend at all times in that part of the prison which is appropriated to female convicts; nor, when he does visit it, can he go unattended by the female officer, over whom he cannot, as over the male officers, exercise that authority which is necessary for the maintenance of an accurate and uninterrupted observance of the prison rules. No part of the Governor's duty has been found more arduous than that of impressing upon the female officers a sense of the necessity of order, method, and regularity of attention to the various regulations which are felt to be essential to the system of silence. The effect of this on the prisoners may be readily imagined; a feeling of contempt for authority, a banishment of all serious reflection, an absence of subordination, demoralizing intercourse, and a release from the salutary discomfort and restraint which it ought to be the aim of every penal system to produce.

" There is another objection to the silent system,—that it permits the association of convicts together in large numbers, affording opportunities for devising and carrying into effect dangerous attempts at escape and insurrection. It is no answer to this objection to say, that the history of the silent system affords no instance of any recent case of this sort. It is enough to point out the possibility of such an event, founded upon the daily increasing facility with which the convicts are known to carry on their forbidden correspondence by means of conventional signs, looks, and gestures, as well as upon the vindictive feelings to which the silent system gives rise. A single act of violence or oppression on the part of the keeper, or his officers, would suffice to kindle a spirit of rebellion in a large body of prisoners, which it would, in many cases, require nothing more than a sudden outbreak in one or two of the most daring of the party to rouse into dangerous activity; the instruments of labour would in a moment be converted into weapons of offence, and any uproar in one part of the prison would be an instantaneous and intelligible signal to every other. MM. de Beaumont and de Tocqueville have expressed themselves upon this subject in terms which clearly evince that they consider such a catastrophe as by no means an impossible event:—" It is impossible," they say, " to see the prison of Sing Sing (where the silent system is enforced), and the system of working established there, without being struck with surprise and fear. Though the order is perfectly kept, it is apparent that it rests upon a fragile basis; it is owing to a power always active, but which must be reproduced every day, if the whole discipline is not to be endangered. The safety of the keepers is incessantly menaced. In presence of such dangers, avoided so skilfully, but with so much difficulty, it seems to us impossible not to apprehend some future catastrophe. For the rest, the dangers to which the officers of the prison are exposed, form, for the present, one of the surest guarantees of order—every one of them sees that the preservation of his life depends upon it." M. de Metz, also, has drawn the attention of the French Government to this fact, in his recently published Report of the American Penitentiaries: " The association," he says, " of a large number of convicts in the same place is attended with imminent danger to the safety of the keepers,—one moment's remission of vigilance on their part would suffice to produce a revolt, and to burst open the prison gates. Such a disposition to mutiny must naturally be expected in men who are constantly impelled by the innate love of liberty " Against even the contingency of such an event as this, it becomes every prison system to guard with a circumspection proportioned to the danger of the case, and to its fearful influence as an example. We have said enough to show that, in the judgment of others as well as in our own, the silent system not only takes an effectual means of preventing the possibility of such an occurrence, but also presents powerful and perpetual temptations to the convicts to bring it about. If this objection be deserving at all times of grave consideration, it acquires additional weight in times of public commotion, when the danger to which it points must be immeasurably increased.

" The last objection to the silent system is, that it is not applicable to the untried. This is an objection which the advocates of the system itself so generally feel and acknowledge, that we do not think it necessary to insist upon it at any length. The cruelty and injustice of embittering the confinement of an innocent person (and many such there are among the untried), by subjecting him not merely to the companionship of the most guilty, but also to a system of perplexing and harassing observances, enforced by prison punishments, are obvious."

No. IX.

Table of Assessment of £2,000 per Annum on the several Counties in Scotland, for Building, Furnishing, and completing the General Prison at Perth, under 2nd and 3rd Vict. c. 42, § 35.

COUNTIES.	Framed on Population of Counties according to Census of 1831.				Framed on Crime according to Number of Persons Tried before the Justiciary Court and Sheriffs, with and without Jury, as in Returns of 1836, 1837, and 1838.				Assessment on Combined Estimate of Population and Crime according to Columns 2 and 3.		
	Population.	Assessment.			Number of Persons Tried.	Assessment.					
	1.	2.			3.	4.			5.		
		£.	s.	d.		£.	s.	d.	£.	s.	d.
1. Aberdeen	177,651	150	3	8	439	143	15	5	146	19	7
2. Argyle	101,425	85	14	10	139	45	10	5	65	12	8
3. Ayr	145,055	122	12	6	156	51	1	10	86	17	2
4. Banff	48,604	41	1	9	32	10	9	7	25	15	8
5. Berwick	34,048	28	15	8	34	11	2	8	19	19	2
6. Bute	14,151	11	19	3	22	7	4	1	9	11	8
7. Caithness	34,529	29	3	10	59	19	6	5	24	5	2
8. Clackmannan	14,729	12	9	0	79	25	17	5	19	3	3
9. Dumbarton	33,211	28	1	6	107	35	0	10	31	11	2
10. Dumfries	73,770	62	7	3	158	51	14	11	57	1	1
11. Edinburgh	219,592	185	12	9	1,219	399	4	3	292	8	6
12. Elgin	34,231	28	18	9	41	13	8	6	21	3	7
13. Fife	128,839	108	18	4	223	73	0	8	90	19	6
14. Forfar	139,606	118	0	5	504	165	1	2	141	10	9
15. Haddington	36,145	30	11	2	72	23	11	7	27	1	4
16. Inverness	94,797	80	2	10	138	45	3	11	62	13	5
17. Kincardine	31,431	26	11	5	58	18	19	11	22	15	8
18. Kinross	9,072	7	13	5	85	27	16	9	17	15	1
19. Kirkcudbright	40,590	34	6	3	72	23	11	7	28	18	11
20. Lanark	316,819	267	16	8	825	270	3	8	269	0	2
21. Linlithgow	23,291	19	13	10	79	25	17	5	22	15	7
22. Nairn	9,354	7	18	2	21	6	17	6	7	7	10
23. Orkney and Shetland	58,239	49	4	8	51	16	14	0	32	19	4
24. Peebles	10,578	8	18	11	16	5	4	10	7	1	10
25. Perth	142,894	120	16	0	401	131	6	6	126	1	3
26. Renfrew	133,443	112	16	2	343	112	6	7	112	11	5
27. Ross and Cromarty	74,820	63	5	0	116	37	19	10	50	12	5
28. Roxburgh	43,663	36	18	3	279	91	7	5	64	2	10
29. Selkirk	6,833	5	15	6	19	6	4	5	5	19	11
30. Stirling	72,621	61	7	10	219	71	14	5	66	11	1
31. Sutherland	25,518	21	11	5	19	6	4	5	13	17	11
32. Wigtown	36,258	30	13	0	82	26	17	1	28	15	1
	2,365,807	2,000	0	0	6,107	2,000	0	0	2,000	0	0

No. X.

Table of Assessments under 2nd and 3rd Vict. c. 42, of Sums not exceeding £2,000, £5,000, and £10,000 upon the differe Counties in Scotland, and Royal and Parliamentary Burghs situated therein, framed on a combined Estimate of the Amount Population and Crime in such Counties; and apportionment of these several Assessments upon, and division between the Burg and Landward parts of such Counties, according to the relative Population of such Burghs and Landward parts respectively.

Counties and Royal and Parliamentary Burghs situated therein.	Population assumed in Tables of Establishment of County Boards.	Assessment of £2,000 under § 35, and apportionment thereof under § 39.		Assessment of £5,000 under § 37, for the year 1840 alone, and apportionment thereof under § 39.		Conditional Assessment of £10,000 fo Local Prisons under § 36, in case the Maximum Amount here stated should be required, and apportionmen thereof under § 39.	
		Maximum on each County, according to combined Estimate of Population and Crime approved of by the Board.	Apportionment of this Assessment according to Population as in Column No. 2.	Maximum on each County, according to combined Estimate of Population and Crime approved of by the Board for 1840 alone.	Apportionment of this Assessment according to Population as in Column No. 2, for 1840 alone.	Maximum on each County, according to combined Estimate of Population and Crime approved of by the Board.	Apportionment o this Assessment according to Population as in Column No. 2.
1.	2.	3.	4.	5.	6.	7.	8.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1. ABERDEEN	..	146 19 7	..	367 8 11^{6}	..	734 17 11	..
Aberdeen	56,843	..	47 0 $6\frac{11}{12}$	..	117 11 5^{4}	..	235 2 10
Peterhead	5,500	..	4 11 0^{2}	..	11 7 6^{4}	..	22 15 0
Inverary	1,026	..	0 16 11^{9}	..	2 2 5^{4}	..	4 4 10
Kintore	404	..	0 6 8^{2}	..	0 16 8^{6}	..	1 13 5
Landward part	113,878	..	94 4 4	..	235 10 10	..	471 1 8
	177,651	..	146 19 7	..	367 8 11^{6}	..	734 17 11
2. ARGYLE	..	65 12 8	..	164 1 8	..	328 3 4	..
Campbelltown	6,400	..	4 2 10	..	10 7 1	..	20 14 2
Inverary	1,033	..	0 13 4^{5}	..	1 13 5	..	3 6 10
Oban	1,460	..	0 18 10^{9}	..	2 7 2^{10}	..	4 14 5
Landward part	92,532	..	59 17 6^{10}	..	149 13 11^{2}	..	299 7 10
	101,425	..	65 12 8	..	164 1 8	..	328 3 4
3. AYR	..	86 17 2	..	217 2 11	..	434 5 10	..
Ayr	14,926	..	8 18 9^{1}	..	22 6 10^{8}	..	44 13 9
Irvine	7,116	..	4 5 2^{8}	..	10 13 0^{8}	..	21 6 1
Kilmarnock	16,985	..	10 3 4^{11}	..	25 8 6^{4}	..	50 17 0
Landward part	106,028	..	63 9 9^{4}	..	158 14 5^{4}	..	317 8 10
	145,055	..	86 17 2	..	217 2 11	..	434 5 10
4. BANFF	..	25 15 8	..	64 9 2	..	128 18 4	..
Banff	4,885	..	2 11 9^{11}	..	6 9 6^{10}	..	12 19 1
Cullen	1,472	..	0 15 7^{5}	..	1 19 0^{6}	..	3 18 1
Landward part	42,247	..	22 8 2^{8}	..	56 0 6^{8}	..	112 1 1
	48,604	..	25 15 8	..	64 9 2	..	128 18 4
5. BERWICK	..	19 19 2	..	49 17 11	..	99 15 10	..
Lauder	1,043	..	0 12 2^{9}	..	1 10 6^{10}	..	3 1 1
Landward part	33,005	..	19 6 11^{3}	..	48 7 4^{2}	..	96 14 8
	34,048	..	19 19 2	..	49 17 11	..	99 15 10
6. BUTE	..	9 11 8	..	23 19 2	..	47 18 4	..
Rothsay	4,817	..	3 5 2^{11}	..	8 3 1^{4}	..	16 6 2
Landward part	9,334	..	6 6 5^{1}	..	15 16 0^{8}	..	31 12 1
	14,151	..	9 11 8	..	23 19 2	..	47 18 4
7. CAITHNESS	..	24 5 2	..	60 12 11	..	121 5 10	..
Wick	4,900	..	3 8 10^{2}	..	8 12 1^{6}	..	17 4 3
Landward part	29,629	..	20 16 3^{10}	..	52 0 9^{6}	..	104 1 7
	34,529	..	24 5 2	..	60 12 11	..	121 5 10
8. CLACKMANNAN	14,729	19 3 3	19 3 3	47 18 1^{6}	47 18 1^{6}	95 16 3	95 16 3
9. DUMBARTON	..	31 11 2	..	78 17 11	..	157 15 10	..
Dumbarton	3,923	..	3 14 6^{8}	..	9 6 4^{8}	..	18 12 9
Landward part	29,288	..	27 16 7^{4}	..	69 11 6^{4}	..	139 3 0
	33,211	..	31 11 2	..	78 17 11	..	157 15 10

TABLE OF ASSESSMENTS—*continued.*

Counties and Royal and Parliamentary Burghs situated therein.	Population assumed in Tables of Establishment of County Boards.	Assessment of £2,000 under § 35, and apportionment thereof under § 39.		Assessment of £5,000 under § 37, for the year 1840 alone, and apportionment thereof under § 39.		Conditional Assessment of £10,000 for Local Prisons under § 36, in case the Maximum Amount here stated should be required, and apportionment thereof under § 39.	
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1.	2.	3.	4.	5.	6.	7.	8.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
10. DUMFRIES	..	57 1 1	..	142 12 8^{6}	..	285 5 5	..
Annan	3,100	..	2 7 11^{5}	..	5 19 10^{6}	..	11 19 9
Dumfries	8,664	..	6 14 0^{2}	..	16 15 0^{6}	..	33 10 1
Lochmaben	969	..	0 14 11^{10}	..	1 17 5^{8}	..	3 14 11^{4}
Sanquhar	1,595	..	1 4 8^{1}	..	3 1 8^{2}	..	6 3 4^{4}
Landward part	59,442	..	45 19 5^{6}	..	114 18 7^{8}	..	229 17 3^{4}
	73,770	..	57 1 1	..	142 12 8^{6}	..	285 5 5
11. EDINBURGH	..	292 8 6	..	731 1 3	..	1,462 2 6	..
Edinburgh	135,594	..	180 11 4^{1}	..	451 8 4^{2}	..	902 16 8^{4}
Leith	24,416	..	32 10 3^{5}	..	81 5 8^{6}	..	162 11 5
Musselburgh	7,018	..	9 6 11	..	23 7 3^{6}	..	46 14 7
Portobello	2,921	..	3 17 9^{6}	..	9 14 5^{10}	..	19 8 11^{8}
Landward part	49,643	..	66 2 2	..	165 5 5	..	330 10 10
	219,592	..	292 8 6	..	731 1 3	..	1,462 2 6
12. ELGIN	..	21 3 7	..	152 18 11^{6}	..	105 17 11	..
Elgin	5,208	..	3 4 5^{4}	..	8 1 1	..	16 2 2^{8}
Forres	3,350	..	2 1 5^{6}	..	5 3 7^{8}	..	10 7 3^{4}
Landward part	25,673	..	15 17 8^{2}	..	39 14 2^{6}	..	79 8 5
	34,231	..	21 3 7	..	52 18 11^{6}	..	105 17 11
13. FIFE	..	90 19 6	..	227 8 9	..	454 17 6	..
Anstruther, East	1,007	..	0 14 2$\frac{8}{12}$	..	1 15 6$\frac{8}{12}$	..	3 11 1$\frac{4}{12}$
Anstruther, West	330	..	0 4 7$\frac{11}{12}$	..	0 11 7$\frac{10}{12}$	..	1 3 3$\frac{8}{12}$
Auchtermurchty	1,346	..	0 19 0$\frac{2}{12}$	..	2 7 6$\frac{4}{12}$	..	4 15 0$\frac{8}{12}$
Burntisland	2,026	..	1 8 7$\frac{4}{12}$	..	3 11 6$\frac{4}{12}$	..	7 3 0$\frac{8}{12}$
Crail	1,311	..	0 18 6$\frac{2}{12}$	..	2 6 3$\frac{6}{12}$	..	4 12 7
Cupar	5,300	..	3 14 10$\frac{2}{12}$	..	9 7 1$\frac{6}{12}$	..	18 14 3
Dunfermline	10,625	..	7 10 0$\frac{7}{12}$	..	18 15 1$\frac{6}{12}$	..	37 10 3
Dysart	6,804	..	4 16 1$\frac{1}{12}$	..	12 0 2$\frac{8}{12}$	..	24 0 5$\frac{4}{12}$
Earlsferry	500	..	0 7 0$\frac{9}{12}$	..	0 17 7$\frac{10}{12}$	..	1 15 3$\frac{8}{12}$
Falkland	1,100	..	0 15 6$\frac{5}{12}$	..	1 18 10	..	3 17 8
Inverkeithing	2,140	..	1 10 2$\frac{3}{12}$	..	3 15 6$\frac{8}{12}$	..	7 11 1$\frac{4}{12}$
Kilrenny	1,400	..	0 19 9$\frac{8}{12}$	..	2 9 5$\frac{2}{12}$	..	4 18 10$\frac{4}{12}$
Kinghorn	1,350	..	0 19 0$\frac{10}{12}$	..	2 7 8	..	4 15 4
Kirkaldy	9,067	..	6 8 0$\frac{6}{12}$	..	16 0 1$\frac{4}{12}$	..	32 0 2$\frac{8}{12}$
Newburgh	2,442	..	1 14 5$\frac{9}{12}$	..	4 6 2$\frac{6}{12}$	..	8 12 5
Pillemveem	1,295	..	0 18 3$\frac{6}{12}$	..	2 5 8$\frac{8}{12}$	..	4 11 5$\frac{4}{12}$
St. Andrew's	4,194	..	2 19 2$\frac{9}{12}$	..	7 8 0$\frac{10}{12}$	..	14 16 1$\frac{9}{12}$
Landward part	76,602	..	54 1 9^{6}	..	135 4 5^{8}	..	270 8 11^{4}
	128,839	..	90 19 6	..	227 8 9	..	454 17 6
14. FORFAR	..	141 10 9	..	353 16 10^{6}	..	707 13 9	..
Arbroath	11,299	..	11 9 1^{3}	..	28 12 9^{2}	..	57 5 6^{4}
Brechin	5,060	..	5 2 7^{8}	..	12 16 6	..	25 13 0
Dundee	46,142	..	46 15 7^{8}	..	116 19 0^{2}	..	233 18 0^{4}
Forfar	6,689	..	6 15 7^{7}	..	16 19 1	..	33 18 2
Montrose	11,417	..	11 11 6	..	28 18 9	..	57 17 6
Landward part	58,999	..	59 16 3^{8}	..	149 10 9^{2}	..	299 1 6^{4}
	139 606	..	141 10 9	..	353 16 10^{6}	..	707 13 9
15. HADDINGTON	..	27 1 4	..	67 13 4	..	135 6 8	..
Dunbar	3,349	..	2 10 1^{10}	..	6 5 4^{8}	..	12 10 9^{4}
Haddington	3,900	..	2 18 4^{11}	..	7 6 0^{4}	..	14 12 0^{8}
N. Berwick	1,100	..	0 16 5^{9}	..	2 1 2^{4}	..	4 2 4^{8}
Landward part	27,796	..	20 16 3^{6}	..	52 0 8^{8}	..	104 1 5^{4}
	36,145	..	27 1 4	..	67 13 4	..	135 6 8

TABLE of ASSESSMENTS—*continued.*

Counties and Royal and Parliamentary Burghs situated therein.	Population assumed in Tables of Establishment of County Boards.	Assessment of £2,000 under § 35, and apportionment thereof under § 39.		Assessment of £5,000 under § 37, for the year 1840 alone, and apportionment thereof under § 39.		Conditional Assessment of £10,000 for Local Prisons under § 36, in case the Maximum Amount here stated should be required, and apportionment thereof under § 39.	
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1.	2.	3.	4.	5.	6	7.	8.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
16. INVERNESS	..	62 13 5	..	156 13 6^{6}	..	313 7 1	..
Inverness	12,000	..	7 18 8	..	19 16 8	..	39 13 4
Landward part	82,797	..	54 14 9	..	136 16 10^{6}	..	273 13 9
	94,797	..	62 13 5	..	156 13 6^{6}	..	313 7 1
17. KINCARDINE	..	22 15 8	..	56 19 2	..	113 18 4	..
Inverbervie	784	..	0 11 4^{5}	..	1 8 5	..	2 16 10
Landward part	30,647	..	22 4 3^{7}	..	55 10 9	..	111 1 6
	31,431	..	22 15 8	..	56 19 2	..	113 18 4
18. KINROSS	9,072	17 15 1	17 15 1	44 7 8^{6}	44 7 8^{6}	88 15 5	88 15 5
19. KIRKCUDBRIGHT	..	28 18 11	..	72 7 3^{6}	..	144 14 7	..
Kirkcudbright	2,600	..	1 17 1	..	4 12 8^{6}	..	9 5 5
New Galloway	439	..	0 6 3^{2}	..	0 15 7^{10}	..	1 11 3^{8}
Maxwelltown	3,500	..	2 9 11	..	6 4 9^{6}	..	12 9 7
Landward part	34,051	..	24 5 7^{10}	..	60 14 1^{8}	..	121 8 3^{4}
	40,590	..	28 18 11	..	72 7 3^{6}	..	144 14 7
20. LANARK	..	269 0 2	..	672 10 5	..	1,345 0 10	..
Airdrie	6,500	..	5 10 4^{7}	..	13 15 11^{4}	..	27 11 10^{8}
Glasgow	185,019	..	157 1 11^{6}	..	392 14 10^{10}	..	785 9 9^{8}
Hamilton	8,075	..	6 17 1^{6}	..	17 2 9^{10}	..	34 5 7^{8}
Lanark	4,100	..	3 9 7^{6}	..	8 14 0^{10}	..	17 8 1^{8}
Rutherglen	4,317	..	3 13 3^{9}	..	9 3 3^{4}	..	18 6 6^{8}
Landward part	108,808	..	92 7 9^{2}	..	230 19 4^{10}	..	461 18 9^{8}
	316,819	..	269 0 2	..	672 10 5	..	1345 0 10
21. LINLITHGOW	..	22 15 7	..	56 18 11^{6}	..	113 17 11	..
Linlithgow	3,300	..	3 4 6^{7}	..	8 1 4^{6}	..	16 2 9
Queensferry	1,073	..	1 0 11^{11}	..	2 12 5^{8}	..	5 4 11^{4}
Landward part	18,918	..	18 10 0^{6}	..	46 5 1^{4}	..	92 10 2^{8}
	23,291	..	22 15 7	..	56 18 11^{6}	..	113 17 11
22. NAIRN	..	7 7 10	..	18 9 7	..	36 19 2	..
Nairn	2,500	..	1 19 6^{2}	..	4 18 9^{4}	..	9 17 6^{8}
Landward part	6,854	..	5 8 3^{10}	..	13 10 9^{8}	..	27 1 7^{4}
	9,354	..	7 7 10	..	18 9 7	..	36 19 2
23. ORKNEY & SHETLAND	..	32 19 4	..	82 8 4	..	164 16 8	..
Kirkwall	3,131	..	1 15 5^{5}	..	4 8 7^{6}	..	8 17 3
Landward part	55,108	..	31 3 10^{7}	..	77 19 8^{6}	..	155 19 5
	58,239	..	32 19 4	..	82 8 4	..	164 16 8
24. PEEBLES	..	7 1 10	..	17 14 7	..	35 9 2	..
Peebles	2,400	..	1 12 2^{2}	..	4 0 5^{4}	..	8 0 10^{8}
Landward part	8,178	..	5 9 7^{10}	..	13 14 1^{8}	..	27 8 3^{4}
	10,578	..	7 1 10	..	17 14 7	..	35 9 2
25. PERTH	..	126 1 3	..	315 3 1^{6}	..	630 6 3	..
Culross	700	..	0 12 4^{8}	..	1 10 10^{8}	..	3 1 9^{4}
Perth	22,234	..	19 12 3^{7}	..	49 0 9	..	98 1 6
Landward part	119,960	..	105 16 7^{2}	..	264 11 5^{10}	..	529 2 11^{8}
	142,894	..	126 1 3	..	315 3 1^{6}	..	630 6 3

TABLE of ASSESSMENTS—*continued.*

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1.	2.	3.	4.	5.	6.	7.	8.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
26. RENFREW	..	112 11 5	..	281 8 6^{6}	..	562 17 1	..
Greenock . . .	27,000	..	22 15 6^{6}	..	56 18 10^{2}	..	113 17 8^{4}
Paisley	49,027	..	41 7 2^{1}	..	103 7 11^{2}	..	206 15 10^{4}
Port Glasgow . .	5,147	..	4 6 10^{1}	..	10 17 1^{2}	..	21 14 2^{4}
Renfrew	1,960	..	1 13 0^{9}	..	4 2 8	..	8 5 4
Landward part . .	50,309	..	42 8 9^{7}	..	106 2 9	..	212 4 0
	133,443	..	112 11 5	..	281 8 6^{6}	..	562 17 1
27. ROSS and CROMARTY .	..	50 12 5	..	126 11 0^{6}	..	253 2 1	..
Cromarty . . .	2,215	..	1 9 11^{8}	..	3 14 11^{2}	..	7 9 10^{4}
Dingwall . . .	1,700	..	1 3 0^{1}	..	2 17 6^{2}	..	5 15 0^{4}
Fortrose	1,110	..	0 15 0^{8}	..	1 17 6^{8}	..	3 15 1^{4}
Tain	1,787	..	1 4 2^{2}	..	3 0 5^{4}	..	6 0 10^{8}
Landward part . .	68,008	..	46 0 2^{10}	..	115 0 7^{2}	..	230 1 2^{4}
	74,820	..	50 12 5	..	126 11 0^{6}	..	253 2 1
28. ROXBURGH . . .	..	64 2 10	..	160 7 1	..	320 14 2	..
Jedburgh . . .	3,709	..	5 8 11^{8}	..	13 12 5^{2}	..	27 4 10^{4}
Landward part . .	39,954	..	58 13 10^{14}	..	146 14 7^{10}	..	293 9 3^{8}
	43,663	..	64 2 10	..	160 7 1	..	320 14 2
29. SELKIRK	..	5 19 11	..	14 19 9^{6}	..	29 19 7	..
Selkirk	1,929	..	1 13 10^{8}	..	4 4 7^{8}	..	8 9 3^{4}
Landward part . .	4,904	..	4 6 0^{9}	..	10 15 1^{10}	..	21 10 3^{8}
	6,833	..	5 19 11	..	14 19 9^{6}	..	29 19 7
30. STIRLING	..	66 11 1	..	166 7 8^{6}	..	332 15 5	..
Stirling	10,292	..	9 8 7^{9}	..	23 11 7^{4}	..	47 3 2^{8}
Falkirk	7,051	..	6 9 2^{10}	..	16 3 1^{2}	..	32 6 2^{4}
Landward part . .	55,278	..	50 13 2^{5}	..	126 13 0	..	253 6 0
	72,621	..	66 11 1	..	166 7 8^{6}	..	332 15 5
31. SUTHERLAND . . .	..	13 17 11	..	34 14 9^{6}	..	69 9 7	..
Dornock. . . .	500	..	0 5 5^{4}	..	0 13 7^{4}	..	1 7 2^{8}
Landward part . .	25,018	..	13 12 5^{8}	..	34 1 2^{2}	..	68 2 4^{4}
	25,518	..	13 17 11	..	34 14 9^{6}	..	69 9 7
32. WIGTON	..	28 15 1	..	71 17 8^{6}	..	143 15 5	..
Stranraer . . .	4,389	..	3 9 7^{5}	..	8 14 0^{6}	..	17 8 1
Whithorn . . .	1,226	..	0 19 5^{4}	..	2 8 7^{4}	..	4 17 2^{8}
Wigton	1,800	..	1 8 6^{7}	..	3 11 4^{6}	..	7 2 9
Landward part . .	28,843	..	22 17 5^{8}	..	57 3 8^{2}	..	114 7 4^{4}
	36,258	..	28 15 1	..	71 17 8^{6}	..	143 15 5

Edinburgh, 27th December, 1839.

Reported by the Committee on Population and County Boards.

(Signed) AND. RUTHERFURD, Convener.

Population of Landward Districts of Counties and of Royal and Parliamentary Burghs, &c.

No.

TABLE showing the POPULATION of LANDWARD DISTRICTS of COUNTIES, and of ROYAL and PARLIAMENTARY
with TABLE of ESTABLISHMENT

Counties.	Burghs.	Parishes comprehending Burghs or parts of Burghs.	Population of Parishes wherein Burghs are wholly or partially situated. Census 1831.	Table of	
				Of Parishes or parts of Parishes within Burghs where situated in more than one Parish. Census 1831.	Total of Burghs. Census 1831.
Aberdeen	Aberdeen	Aberdeen and St. Machar	58,019	56,838	
	Ditto	Banchory, Davenick	683	5	
					56,843
	Peterhead	Peterhead	6,695	...	5,500
	Inverury	Inverury	1,419	996	
	Ditto	Kintore	...	30	
			1,184		1,026
	Kintore	Kintore	1,184	...	404
					63,773
	Landward part of county	....	...	...	...
Argyle	Campbellton	Campbellton	9,472	...	6,400
	Inverary	Inverary	2,133	...	1,033
	Oban	Kilmore and Kilbride	2,836	...	1,460
					8,893
	Landward part of county	....	...	...	...
Ayr	Ayr	Ayr	7,606	6,906	
	Ditto	Newton-on-Ayr	4,020	3,820	
	Ditto	St. Quivox	5,289	4,200	
					14,926
	Irvine	Irvine	5,200	4,600	
	Ditto	Dundonald	5,579	2,516	
					7,116
	Kilmarnock	Kilmarnock	18,093	16,000	
	Ditto	Riccarton	2,499	985	
					16,985
					39,027
	Landward part of county	....	...	...	...
Banff	Banff	Banff	3,711	2,935	
	Ditto	Gamrie	4,094	1,950	
					4,885
	Cullen	Cullen	1,593	...	1,472
					6,357
	Landward part of county	....	...	...	...
Berwick	Lauder	Lauder	2,063	...	1,043
	Landward part of county	....	...	...	...
Bute	Rothesay	Rothesay	6,084	...	4,817
	Landward part of county	....	...	...	...
Caithness	Wick	Wick	9,850	...	4,900
	Landward part of county	....	...	...	...
Clackmannan	County	....	...	...	...
Dumbarton	Dumbarton	Dumbarton	3,623	3,323	
		Cardross	3,596	600	
					3,923
	Landward part of county	....	...	...	...
Dumfries	Annan	Annan	5,033	...	3,100
	Dumfries	Dumfries	11,606	...	8,664
	Lochmaben	Lochmaben	2,795	...	969
	Sanquhar	Sanquhar	3,268	...	1,595
					14,328
	Landward part of county	....	...	...	...

rghs, with Authorities for assuming such Population, framed in relation to the Census of 1831; together
County Boards.

Population of Landward Districts of Counties and of Royal and Parliamentary Burghs, &c.

pulation.		Table of Establishment of County Boards.					
Of Landward Districts. ensus 1831.	Total of Counties. Census 1831.	Assumed Amount of Assessments of £30,000 per annum, calculated according to the Table already fixed on by the Board, and divided between the Landward parts of Counties and Burghs according to Population. (Section 39.)			Number of Members assigned to Burghs and Landward Districts.	Total.	Counties.
		Burghs.	Landward Districts.	Total Assessment.			
		£. s. d.	£. s. d.	£. s. d.			
113,878	177,651	705 8 8 68 5 2 12 14 8 5 0 3 791 8 9	1,413 5 0	2,204 13 9	7 1 14	22	Aberdeen.
92,532	101,425	62 2 6 10 0 6 14 3 5 86 6 5 . . .	898 3 7	984 10 0	1 11	12	Argyle.
106,028	145,055	134 1 4 63 18 4 152 11 2 350 10 10 . . .	9 5 6 8	1,302 17 6	2 1 2 14	19	Ayr.
42,247	48,604	38 17 5 11 14 3 50 11 8 . . .	336 3	386 15 0	1 6	7	Banff.
. . . 33,005	34,048	9 3 5 . . .	. . . 290 4 1	299 7 6	. . .	9	Berwick.
. . . 9,334	14,151	48 18 8 . . .	. . . 94 16 4	143 15 0	2 4	6	Bute.
. . . 29,629	34,529	51 12 9 . . .	. . . 312 4 9	363 17 6	1 6	7	Caithness.
14,729	14,729	. . .	287 8 9	287 8 9	6	6	Clackmannan.
29,288	33,211	55 18 4	417 9 2	473 7 6	1 7	8	Dumbarton.
59,442	73,770	35 19 3 100 10 3 11 4 10 18 10 1 166 4 5 . . .	689 11 10	855 16 3	1 2 12	15	Dumfries.

Population of Landward Districts of Counties and of Royal and Parliamentary Burghs, &c.

Table showing the Population of Landw

Counties.	Burghs.	Parishes comprehending Burghs or parts of Burghs.	Population of Parishes wherein Burghs are wholly or partially situated. Census 1831.	Table	
				Of Parishes or parts of Parishes within Burghs where situated in more than one Parish. Census 1831.	Total of Burghs Census 18
Edinburgh . .	Edinburgh city . . .	College Church . .	4,244	4,244	
	Ditto . . .	Grey Friars, New .	4,536	4,536	
	Ditto . . .	Grey Friars, Old .	4,345	4,345	
	Ditto . . .	High Church. . .	2,614	2,614	
	Ditto . . .	Lady Yester's . .	2,890	2,890	
	Ditto . . .	Mary, St. . . .	6,587	6,587	
	Ditto . . .	New North Church .	1,350	1,350	
	Ditto . . .	Old Church . . .	1,952	1,952	
	Ditto . . .	St. Stephen's. . .	5,772	5,772	
	Ditto . . .	Tolbooth Church. .	3,256	3,256	
	Ditto . . .	Tron Church . . .	3,009	3,009	
	Ditto . . .	St. Andrew . . .	7,339	7,339	
	Ditto . . .	Canongate . . .	10,175	10,175	
	Ditto . . .	St. George . . .	7,338	7,338	
	Ditto . . .	St. Cuthbert's . .	70,887	66,387	
	Ditto . . .	South Leith . . .	18,439	3,800	
					135,594
	Leith	North Leith . . .	7,416	7,416	
	Ditto	South Leith . . .	18,439	14,000	
		St. Cuthbert's . .	. . .	3,000	
					24,416
	Musselburgh	Inveresk	8,961	. . .	7,018
	Portobello	Duddingston . . .	3,862	2,781	
	Ditto	South Leith . . .	18,439	140	
	Ditto				2,921
					169,949
	. . .	Landward part of county . . .	. . .	. . .	. . .
Elgin . . .	Elgin	Elgin.	6,130	4,549	
	Ditto	New Spynie . . .	1,121	621	
	Ditto	St. Andrew's and Shanbride	1,087	38	
					5,208
	Forres	Forres	3,895	. . .	3,350
					8,558
	Landward part of county .	. . . .	. . .	. . .	. . .
Fife	Anstruther, East . . .	Anstruther, East . .	1,007	. . .	1,007
	Anstruther, West . . .	Anstruther, West .	430	. . .	330
	Auchtermuchty . . .	Auchtermuchty . .	3,225	. . .	1,346
	Burntisland	Burntisland . . .	2,366	. . .	2,026
	Crail	Crail	1,824	. . .	1,311
	Cupar	Cupar	6,473	. . .	5,300
	Dunfermline	Dunfermline . . .	17,068	. . .	10,625
	Dysart	Dysart	7,104	. . .	6,804
	Earlsferry	Kilconquhar . . .	2,540	. . .	500
	Falkland	Falkland	2,658	. . .	1,100
	Inverkeithing	Inverkeithing. . .	3,189	. . .	2,140
	Kilrenny	Kilrenny	1,705	. . .	1,400
	Kinghorn	Kinghorn	2,579	. . .	1,350
	Kirkaldy	Kirkaldy	5,034	4,960	
	Ditto	Abbotshall . . .	4,206	3,607	
	Ditto	Kinghorn. . . .	2,579	500	
					9,067
	Newburgh	Newburgh . . .	2,642	. . .	2,442
	Pittenweem	Pittenweem . . .	1,317	. . .	1,295
	St. Andrew's	St. Andrew's . . .	5,621	3,767	
	Ditto	St. Leonard's . . .	482	427	
					4,194
					52,237
	Landward part of county .	. . . .	. . .	. . .	. . .

ricts of Counties, &c.—*continued.*

Population of Landward Districts of Counties and of Royal and Parliamentary Burghs, &c.

ulation.		Table of Establishment of County Boards.					
Of ndward istricts. sus 1831.	Total of Counties. Census 1831.	Assumed Amount of Assessments of £30,000 per annum, calculated according to the Table already fixed on by the Board, and divided between the Landward parts of Counties and Burghs according to Population. (Section 39.) Burghs.	Landward Districts	Total Assessment,	Number of Members assigned to Burghs and Landward Districts.	Total.	Counties.
		£. s. d.	£. s. d.	£. s. d.			
	219,592			4,386 7 6		19	Edinburgh.
		2,708 10 1			11		
		487 14 3			2		
		140 3 9			1		
		58 6 11			1		
		3,394 15 0					
49,643			991 12 6		4		
	34,231	48 6 8		317 13 9	1	8	Elgin.
		31 1 10			1		
		79 8 6					
25,673			238 5 3		6		
		10 13 4					
		3 9 11					
		14 5 2					
		21 9 2					
		13 17 9					
		56 2 9			1		
		112 10 9			1		
		72 1 4			2		
		5 5 11					
		11 13 0					
		22 13 4					
		14 16 7					
	128,839	14 6 0		1,364 12 6		19	Fife.
		96 0 8			1		
		25 17 3					
		13 14 4					
		44 8 5			1		
		553 5 8					
76,602			811 6 10		13		

Population of Landward Districts of Counties and of Royal and Parliamentary Burghs, &c.

Table showing the Population of Landw

Counties.	Burghs.	Parishes comprehending Burghs or parts of Burghs.	Population of Parishes wherein Burghs are wholly or partially situated. Census 1831.	Of Parishes or parts of Parishes within Burghs where situated in more than one Parish. Census 1831.	Table Total of Burghs. Census 183
Forfar	Aberbrothick	Arbroath	6,660	6,660	
	Ditto	St. Vigean's	7,135	4,639	
					11,299
	Brechin	Brechin	6,508	. . .	5,060
	Dundee	Dundee	45,355	43,355	
		Liff and Benvie	4,217	2,787	
					46,142
	Forfar	Forfar	7,949	. . .	6,689
	Montrose	Montrose	12,055	11,279	
	Ditto	Craig	1,552	138	
					11,417
					80,607
	Landward part of county	. . . .	. . .	. . .	. . .
Haddington	Dunbar	Dunbar	4,735	. .	3,349
	Haddington	Haddington	5,883	. . .	3,900
	N. Berwick	N. Berwick	1,824	. . .	1,100
					8,349
	Landward part of county	. . . .	. . .	. . .	. . .
Inverness	Inverness	Inverness	14,324	. . .	12,000
	Landward part of county	. . . .	. . .	. . .	. . .
Kincardine	Inverbervie	Bervie	1,137	. . .	784
	Landward part of county	. . . .	. . .	. . .	. . .
Kinross	County	. . . .	. . .	. . .	. . .
Kirkcudbright	Kirkcudbright	Kirkcudbright	3,511	. . .	2,600
	New Galloway	Kells	1,128	. . .	439
	Maxwellton (Dumfries)	Troqueer	4,665	. . .	3,500
					6,539
	Landward part of county	. . . .	. . .	. . .	. . .
Lanark	Airdrie	New Monkland	9,867	. . .	6,500
	Glasgow city	Outer High	9,137	9,137	
	Ditto	St. Enoch	7,921	7,921	
	Ditto	St. James	8,217	8,217	
	Ditto	St. John	11,746	11,746	
	Ditto	St. Andrew's	5,923	5,923	
	Ditto	St. Mungo's	10,295	10,295	
	Ditto	St. David's	6,268	6,268	
	Ditto	Blackfriars	7,569	7,569	
	Ditto	St. Mary's	7,529	7,529	
	Ditto	St. George	15,242	15,242	
	Ditto	Barony	77,385	59,778	
	Ditto	Gorbals	35,194	35,194	
	Ditto	Govan	4,967	200	
	Ditto				185,019
	Hamilton	Hamilton	9,513	. . .	8,075
	Lanark	Lanark	7,672	. . .	4,100
	Rutherglen	Rutherglen	5,503	. . .	4,317
					208,011
	Landward part of county	. . . .	. . .	. . .	. . .
Linlithgow	Linlithgow	Linlithgow	4,874	. . .	3,300
	Queensferry	Queensferry	684	684	
	Ditto	Dalmeny	1,291	389	
					1,073
					4,373
	Landward part of county	. . . .	. . .	. . .	. . .

stricts of Counties, &c.—*continued.*

Population of Landward Districts of Counties and of Royal and Parliamentary Burghs, &c.

opulation.		Table of Establishment of County Boards.					
		Assumed Amount of Assessments of £30,000 per annum, calculated according to the Table already fixed on by the Board, and divided between the Landward parts of Counties and Burghs according to Population. (Section 39.)					
Of andward Districts. ensus 1831.	Total of Counties. Census 1831.	Burghs.	Landward Districts.	Total Assessment.	Number of Members assigned to Burghs and Landward Districts.	Total.	Counties.
		£. s. d.	£. s. d.	£. s. d.			
	139,606	171 16 7		2,123 1 3	2	22	Forfar.
		76 19 0			1		
		701 14 1			7		
		101 14 6			1		
		173 12 6			2		
		1,225 16 8					
58,999			897 4 7		9		
	36,145	37 12 4		406 0 0	1	9	Haddington.
		43 16 2			1		
		12 7 2					
		93 15 8					
27,796			312 4 4		7		
. . .	94,797	119 0 0	. . .	940 1 3	2	15	Inverness.
62,797		. . .	821 1 3		13		
. . .	31,431	8 10 6	. . .	341 15 0	6	6	Kincardine.
30,647		. . .	333 4 6				
9,072	9,072	. . .	266 6 3	266 6 3	6	6	Kinross.
	40,590	27 16 3		434 3 9		7	Kirkcudbright.
		4 13 11			1		
		37 8 9					
		69 18 11					
34,051			364 4 10		6		
	316,819	82 15 8		4,035 2 6	1	22	Lanark.
		2,356 9 5			11		
		102 16 11			1		
		52 4 5			1		
		54 19 8			1		
		2,649 6 1					
8,808			1,385 16 5		7		
	23,291	48 8 3		341 13 9	1	6	Linlithgow.
		15 14 10					
		64 3 1					
8,918			277 10 8		5		

Population of Landward Districts of Counties and of Royal and Parliamentary Burghs, &c.

Table showing the Population of Landv

Counties.	Burghs.	Parishes comprehending Burghs or parts of Burghs.	Population of Parishes wherein Burghs are wholly or partially situated. Census 1831.	Tabl	
				Of Parishes or parts of Parishes within Burghs where situated in more than one Parish. Census 1831.	Total of Burgh Census 1
Nairn . . .	Nairn	Nairn	3,266	. . .	2,50
	Landward part of county .	. . . .	. . .	. . .	. . .
Orkney & Shetland	Kirkwall	Kirkwall and St. Ola	3,721	. . .	3,13
	Landward part of county .	. . . .	. . .	. . .	. . .
Peebles . . .	Peebles	Peebles	2,750	. . .	2,00
	Landward part of county .	. . . .	. . .	. . .	. . .
Perth . . .	Culross	Culross	1,488	. . .	70
	Perth	Perth	20,016	19,866	
	Ditto	Kinnoull	2,957	2,300	
	Ditto	Scone	2,268	68	
					22,23
					22,93
	Landward part of county .	. . . .	. . .	. . .	. . .
Renfrew . . .	Greenock	Greenock	27,571	. . .	27,00
	Paisley	Paisley and Abbey .	57,466	49,000	
	Ditto	Renfrew	2,833	27	
					49,02
	Port-Glasgow	Port-Glasgow . .	5,192	. . .	5,14
	Renfrew	Renfrew	2,833	. . .	1,96
				. . .	83,13
	Landward part of county .	. . . .	. . .	. . .	. . .
Ross & Cromarty	Cromarty	Cromarty	2,901	. . .	2,21
	Dingwall	Dingwall	2,124	. . .	1,70
	Fortrose	Rosemarkie . . .	1,799	. . .	1,11
	Tain	Tain	3,078	. . .	1,78
					6,81
	Landward part of county .	. . . .	. . .	. . .	. . .
Roxburgh . .	Jedburgh	Jedburgh . . .	5,647	. . .	3,70
	Landward part of county .	. . . .	. . .	. . .	. . .
Selkirk . . .	Selkirk	Selkirk	2,833	. . .	1,92
	Landward part of county .	. . . .	. . .	. . .	. . .
Stirling . . .	Stirling	Stirling	8,340	8,152	
	Ditto	St. Ninian's . . .	9,552	2,140	
					10,29
	Falkirk	Falkirk	12,743	. . .	7,05
					17,34
	Landward part of county .	. . . .	. . .	. . .	. . .
Sutherland . .	Dornoch	Dornoch	3,380	. . .	50
	Landward part of county .	. . . .	. . .	. . .	. . .
Wigton . . .	Stranraer	Stranraer. . . .	3,329	3,329	
	Ditto	Inch	2,521	70	
	Ditto	Leswalt	2,636	990	
					4,38
	Whithorn	Whithorn . . .	2,415	. . .	1,22
	Wigton	Wigton	2,337	. . .	1,80
					7,41
	Landward part of county .	. . . .	. . .	. . .	. . .

ricts of Counties, &c.—*continued.*

Population of Landward Districts of Counties and of Royal and Parliamentary Burghs, &c.

pulation.		Table of Establishment of County Boards.					
Of andlord istricts. nsus 1831.	Total of Counties. Census 1831.	Assumed Amount of Assessments of £30,000 per annum, calculated according to the Table already fixed on by the Board, and divided between the Landward parts of Counties and Burghs according to Population. (Section 39.)			Number of Members assigned to Burghs and Landward Districts.	Total.	Counties.
		Burghs.	Landward Districts.	Total Assessment.			
		£. s. d.	£. s. d.	£. s. d.			
. . . 6,854	9,354	29 12 8 . . .	. . . 81 4 10	110 17 6	6	6	Nairn.
. . . 5,108	58,239	26 11 9 . . .	. . . 467 18 3	494 10 0	12	12	Orkney and Shetland.
. . . 8,578	10,578	20 2 3 . . .	. . . 86 5 3	106 7 6	6	6	Peebles.
9,960	142,894	9 5 4 294 4 6 303 9 10	1,587 8 11	1,890 18 9	3 16	19	Perth.
0,309	133,443	341 13 1 620 7 7 65 2 7 24 16 0 1,051 19 3	636 12 0	1,688 11 3	3 6 1 6	16	Renfrew.
8,008	74,820	22 9 7 17 5 1 11 5 4 18 2 8 69 2 8	690 3 7	759 6 3	12		Ross and Cromarty.
. . . 9,954	43,663	81 14 7 . . .	. . . 880 7 11	962 2 6	1 11	12	Roxburgh.
. . . 4,904	6,833	25 7 10 . . .	. . . 64 10 11	89 18 9	6	6	Selkirk.
5,278	72,621	141 9 8 96 18 7 238 8 3	759 18 0	998 6 3	2 1 9	12	Stirling.
. . . 5,018	25,518	4 1 8 . . .	. . . 204 7 1	208 8 9	6	6	Sutherland.
8,843	36,258	52 4 3 14 11 8 21 8 3 88 4 2	343 2 1	431 6 3	2 11	13	Wigton.

Edinburgh, 27th December, 1839.—Reported by the Committee on Population and County Boards.
(Signed) AND. RUTHERFURD, Convener.

No. XII.

Proposal by Mr. Thomas Brown, Architect, relative to his remuneration.

As the amount of trouble will depend, partly upon the extent of the works to be executed, and partly upon the length of time occupied in the execution of them, it is proposed, that the remuneration should consist, partly of a per centage upon the amount expended upon the works, and partly of a small fixed salary during the period of their execution. Upon this principle it is proposed that the architect should receive,—

1. Two per cent. upon the sums expended as his remuneration for the plans, specifications, probable estimates, correspondence, reports to the Board during the progress of the work, and meetings and consultations on the subject.

2. A salary at the rate of 100*l.* per annum for general superintendence of the works as they proceed (having the assistance of a permanent resident inspector, appointed by him and paid by the Board.)

3. All travelling expenses incurred by him on journeys to Perth to inspect the work, or otherwise to be incurred by him in connexion with the business, to be also paid.

His account for his former trouble in preparing probable estimates for the Scotch penitentiaries under directions from the Home Office shall, so far as regards the Perth penitentiary, be imputed as to account of the per centage above proposed.

(Signed) Thomas Brown.

Edinburgh, 28th September, 1839.

London: Printed by W. Clowes and Sons, Duke-street, Stamford-street,
For Her Majesty's Stationery Office.

SECOND REPORT

OF THE

GENERAL BOARD OF DIRECTORS OF PRISONS IN SCOTLAND,

TO

THE MOST HONOURABLE THE MARQUESS OF NORMANBY,
ONE OF HER MAJESTY'S
PRINCIPAL SECRETARIES OF STATE,

OF

THEIR PROCEEDINGS UNDER THE ACT 2 & 3 VICT. c. 42.

Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTYS STATIONERY OFFICE.
1841.

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SECOND REPORT

OF

THE GENERAL BOARD OF DIRECTORS OF PRISONS IN SCOTLAND;

OF THEIR PROCEEDINGS DURING THE YEAR 1840.

TO THE MOST HONOURABLE THE MARQUIS OF NORMANBY, ONE OF HER MAJESTY'S PRINCIPAL SECRETARIES OF STATE.

Chambers of the Prisons Board, Edinburgh,
124, *George Street,* 10*th February,* 1841.

My Lord,

2 and 3 Vic. c. 42.

We concluded our First Report, made to your Lordship in pursuance of the Scottish Prisons Act, at this period last year, by stating that the means upon which we chiefly relied for improving the prisons and prison discipline in Scotland, were the introduction into all our prisons, in so far as their several situations and circumstances would permit, of the system of separate confinement of prisoners, accompanied with labour, and religious and moral instruction; and that we looked forward with confidence to the cordial co-operation of the several County Boards, in carrying into effect all necessary measures for the attainment of those objects.

It affords us the greatest satisfaction in this, our Second Annual Report, to be able to inform your Lordship, that our confidence in the co-operation of the County Boards, has been fully justified by the zealous and able manner in which they have discharged their duties, and the cordiality with which they have received and sought to give effect to our views. From the experience we have already had of the operation of the Prisons Act, we may now venture to assure your Lordship of the soundness of the principles on which it is framed; and that the combined system of general and local management which it has established, appears to be both well calculated to secure its important objects, and satisfactory to the country. In so extensive a measure, and one effecting such great changes, it is not surprising that imperfections should have been found to occur. One of these, requiring the aid of the Legislature to obviate, we pointed out in our last Report; and some others have since come under our observation, but we trust that none of them will prove to be of such a nature as materially to interfere for some time with our giving effect to the objects of the Act. At any rate, if any legislative measure shall be deemed indispensable during the present session, (which we do not anticipate,) we would humbly submit that it should be confined to remedying such imperfections, and carrying into more full effect the principles of the existing statute.

Objects of Report.

App. No. I.

Our proceedings during the year 1840, of which we are now to present a Report, comprehend a great variety of matters, the full details of which are contained in our Minutes, and the Minutes and Reports of Committees appointed by us, from time to time, for special purposes. A statement of the dates of the meetings of the Board, and its committees, is hereto appended and referred to. Our earliest duty, and one which, to a certain extent, occupied our attention throughout the year, was to urge forward the necessary measures for building and completing the General Prison at Perth, according to the plans which accompanied our last Report. We were also much engaged during the early part of last year in preparing rules for the management and discipline of the prisons in Scotland, and in completing the other arrangements, which were detailed in our former Report, preparatory to the Act coming into full operation on 1st July, 1840. Since that period, we have been in active communication with the County Boards, requesting, receiving, and considering their suggestions, as to the prison accommodation best suited to their respective counties,—authorising, to a certain extent, the immediate improvement of the local prisons, and preparing the way for their farther, and, we trust, speedy, improvement,—and giving them our advice on various points on which it has been sought. Looking, therefore, to the nature of our duties, and to what is required of us by the Statute, in submitting this Report, we propose to lay before your Lordship our proceedings under two distinct heads,—namely, I. Our proceedings with relation to the General Prison,—and, II. Our proceedings with relation to the local prisons; each of those heads embracing the various matters connected with it. To these will be added, III. An Abstract of the whole Receipts and Expenditure during the year 1840; and, IV. An estimate of the Funds which we shall require in the execution of the Act during the year 1841.

2 and 3 Vic. c. 42, Section 8.

Sect. 8.

Sect. 40.

I. General Prison.

Progress and state of the Buildings.

We have been much impressed with the importance of having the General Prison at Perth opened for the reception of prisoners as soon as possible. Until this be done, we are aware that County Boards will feel great difficulty, in consequence of the crowded state of their several prisons, in carrying into effect those alterations in their structure, and reforms in their management, which are necessary for the attainment of a proper system of discipline. The opening of the General Prison, which will contain accommodation for about 400 prisoners,—equal to about a fifth of the average number in Scotland,—would, however, draw from the local prisons a sufficient number to enable the County Boards both to make provision for the more wholesome discipline of those who remained, and to set about such building operations as might be requisite. With these views, we lost no time in taking steps to obtain estimates for the execution of the works according to the plans referred to in our last Report; and at our first meeting last year, held, in terms of the Statute, on the second Wednesday of January, having regard to the 7th section of the Act, we adopted the following rule, relative to the mode of entering into contracts:—"That for the purpose of building and completing the General Prison at Perth on the plans prepared by Mr. Thomas Brown, architect, and approved of by the Board, contracts be entered into, after due public notice, with contractors reputed to be responsible, and who shall find security for the due performance of their several contracts." This rule having been, in pursuance of the Act, submitted to one of Her Majesty's principal secretaries of state, was, on the 14th January, approved by your Lordship. Public notice was given by advertisement in various newspapers of the most extensive circulation in different parts of the kingdom, requesting estimates to be given in for execution of the works; and we in consequence received several estimates. After much deliberation on these estimates, and the means within our power, and after every endeavour had been made to reduce the expense to the lowest possible amount, we accepted of the estimates offered by Messrs. M'Pherson, Maver, and Lind, for execution of the mason, carpenter, and slater works, Mr. Robert Ritchie, for execution of the smith or iron work, Mr. Alexander Kay, for execution of the plumber work, and Mr. John M'Intosh, for execution of the plaster work, at the contract price of 23,421*l.*, and entered into contracts with them and their sureties accordingly.

These contracts did not, however, comprehend the expense of fitting up one of the present buildings as a chapel. Neither did they include the expense of locks, heating apparatus, gas fittings, painting, &c., nor the expense of furnishing the cells, nor the salary and allowances to the architect and clerk of works, advertisements, &c. The estimated expense of these several items was nearly 5,000*l.*; and, therefore, the Board foresaw that to complete and furnish the prison according to the plans, they should require about 28,000*l.*

On the other hand, the means at our disposal for building and completing the General Prison, consisted of the grant from the consolidated fund of 10,000*l.*, in pursuance of the 35th section of the Act, and the assessment to an amount not exceeding 20,000*l.*, in sums of 2,000*l.* annually, authorised by the same section together with the value of certain old materials belonging to the former buildings of the depôt, not given up to the contractors. The available amount of the assessment, however, did not exceed 15,950*l.*, calculating interest at five per cent. We were therefore under some apprehension as to the sufficiency of the funds for the purposes required; and your Lordship is aware that we communicated this apprehension to you before entering into the contracts, in the confident hope that your Lordship would use your influence either towards obtaining a further grant from Government, or a loan from the Exchequer Bills Loan Commissioners, at a low rate of interest. At the same time, however, in entering into the engagement with the contractors, we took the precaution to reserve to ourselves power to vary the contracts, if necessary, so as to keep our expenditure within our means. We have now the satisfaction to state, that these precautions, which, if they had been acted upon, would have materially limited the security and usefulness of the prison, have been rendered unnecessary by the announcement made to us by the Hon. Fox Maule, on 21st October last, of the intention of Her Majesty's Government to insert an additional grant of 5,000*l.* in the estimates to be submitted to Parliament in the present year, to enable us to complete the General Prison agreeably to the plans, including the chapel, and also a wing for criminal lunatics. With this sum, we are satisfied that we shall have sufficient funds for all these purposes.

The contractors for execution of the mason, carpenter, and slater works commenced operations in the month of April, and the other contractors, as the buildings advanced, also entered on the performance of their respective works. During the summer and autumn, the progress of the works was, upon the whole, satisfactory, although the contractors fell a few weeks behind the stipulated periods for execution of their several stages; and even since the winter set in, and down to the middle of December, the buildings continued to advance. At the 14th December, the whole of the buildings, consisting of the two radiating wings, and circular connecting corridor, shown in the plans annexed to our last Report, were completed as far as the top of the third story, and the fourth story was in progress. The following is an extract from the Report made to us of that date by Mr. Brown, our architect:—"The outside walls of the North prison wing are all level with the window sills of the fourth floor of cells, with the exception of a small piece at the east end of this wing. The division walls between the cells are carried up their full height, and ready for the last tier of arches, and the corridor walls are about two feet high above the division walls. The walls of the fourth floor of the South prison wing are in general from three to five feet above the floor, and part of them rather higher." In consequence of the state of the weather, little farther advance was made down to the close of the year.

Mr. Brown has made frequent reports to us of the state and progress of the works during their execution; and very recently, at our request, and in pursuance of your Lordship's directions, they have been inspected by Captain Jebb, of the Royal Engineers, whose skill and experience with respect to such buildings are well known, and who made a report to us on the subject on 30th December last. With these means of information, we are enabled to state to your Lordship, that the condition of the works is satisfactory, and that they have been executed in a very workmanlike and substantial manner. The buildings are founded on a stratum of soft blue clay, of about seventeen feet in depth. Mr. Brown was aware that from the softness and compressibility of the clay, a subsidence might, to a certain extent, be expected; and, therefore, to guard against injury, by rendering the subsidence, as much as possible, equal and uniform, he caused the whole foundations to be bound together with beams of timber. Notwithstanding this precaution, the subsidence which has since taken place in the north wing, has been to a slight degree unequal. We have the authority of Captain Jebb, however, in addition to that of our own architect, Mr. Brown, for saying that this is of no serious consequence, and that there will be no difficulty in preventing any ill effects arising from this cause.

So soon as the state of the weather will permit, building operations will be resumed: and upon the remaining part of the fourth story being finished, the buildings will be roofed in and slated. We anticipate that these operations will be completed in the course of the spring, and that during summer the whole of the carpenter, plumber, and plaster works, together with the necessary alterations on the other buildings and boundary wall, will also be completed. Arrangements will forthwith be made for supplying locks, heating apparatus, gas fittings, and the necessary furnishings for the cells, which may all easily be procured previous to autumn,—so that in the course of the present year, or at all events very early in 1842, we confidently hope to be able to open the General Prison for the reception of prisoners.

Chapel.

In our last Report, we informed your Lordship that we had resolved to make provision in the General Prison for assembling the prisoners on Sundays for Divine worship, under such regulations and with such arrangements for individual separation and complete security, as might appear to be satisfactory and adequate. Referring to what we have already stated on this subject, and to the plans of the chapel which accompanied our former Report, we have now further to mention, that we have directed our architect to prepare working plans and specifications relative to the chapel, with a view to entering into contracts for their execution. As the work will consist only of slight alterations on the structure of part of one of the present buildings, and the fitting it up internally as a chapel, we trust that it will be completed by the time the prison is opened.

Wing for Insane Prisoners.

It being made a condition of the intended additional grant of 5,000*l.* already referred to, that the General Prison should include a wing for insane prisoners,—we directed our architect on 9th November last, to prepare plans, specifications, and estimates for its erection. These are not yet sufficiently matured to be laid before your Lordship along with this Report. We shall, however, explain generally what is in our view on this subject; and, at the same time, we shall take the opportunity of reporting our proceedings during last year, with respect to criminal lunatics.

Proceedings with respect to Insane Prisoners.

In order that due provision may be made for the proper custody, treatment, and maintenance of criminal prisoners, who, by reason of insanity or lunacy, may be found by the Court to be unfit to be brought to trial, or who may upon their trial be found to be insane or lunatic, or to have been so when the offence wherewith they were charged was committed, and who may be detained and subjected to confinement as such,—we are authorised by the 30th section of the Act, instead of making use of a prison, or any portion thereof, for the custody of such prisoners, and in addition to the powers conferred by the Act, to contract and agree with the directors or managers of any public lunatic asylum, for the close and safe custody and maintenance of such insane or lunatic prisoners, on such terms as may be agreed upon, and to remove such prisoners to such lunatic asylum. To enable us to carry into effect this provision of the Act, we ascertained, with the assistance of the Lord Advocate and Solicitor-general, the number of insane criminal prisoners in Scotland, where they were imprisoned, and the circumstances of their imprisonment; and we also made inquiry as to suitable lunatic asylums to which such prisoners could be removed, and the terms on which the managers of these asylums were willing to receive them, and keep them in close and safe custody. Soon after the 1st July, when our superintendence of the local prisons commenced, we gave directions that the necessary measures should be taken for the removal to a suitable lunatic asylum of all insane or lunatic criminal prisoners falling within the foregoing descriptions. The result has been, that six prisoners of these descriptions were removed to the Royal Lunatic Asylum, Dundee, being one from each of the counties of Banff, Edinburgh, Perth, Argyll, Lanark, and Ayr; and one such prisoner has been removed to the lunatic asylum at Paisley from the prison of Greenock, in the county of Renfrew. These are the whole prisoners of the descriptions mentioned in the Act, in confinement in Scotland, capable of being removed to a lunatic asylum; and of these one has been confined as insane since 1831, and two since 1835. The expense of maintenance of these prisoners, not having funds of their own adequate to support them, and therefore, according to the rules of the institution, regarded as paupers, is, in the Dundee asylum, the payment of board at the rate of seven shillings per week, with an obligation to supply clothes and other necessaries. In the lunatic asylum of Paisley, the expense is also seven shillings per week, of board, but without the obligation to supply clothes and necessaries. In all these cases the expense of maintenance is undertaken by the Prison Board of the county from which the removal is made, under reservation of all competent right of relief of such expenses against the prisoners' own estate or funds or otherwise.

It must be observed, however, that there may be insane prisoners not falling within the descriptions mentioned in the Act, and whom, therefore, we have no power to remove to a lunatic asylum; as, for example, prisoners becoming insane after conviction, and persons charged with no offence, but sentenced to imprisonment as insane and dangerous to the public.

In these circumstances, the following observations occur on this subject. 1. We have, of course, no power to require any lunatic asylum to receive such inmates, and it might probably occur that there may be prisoners of this description, whom no asylum would admit. In fact, we found on inquiry, that the managers of several asylums declined to receive such patients at all, which is certainly not surprising, considering that they must almost all be of the class of dangerous lunatics; and even those who were willing to receive them, reserved the right to refuse, if, in the circumstances of any case which occurred, the custody of the prisoner appeared to be attended with unusual trouble or danger. Our power to remove such prisoners to lunatic asylums is therefore precarious and uncertain. 2. Prisoners in lunatic asylums are necessarily placed in a great degree beyond the superintendence of either the General or County Boards. 3. The expense of their custody and maintenance in asylums will probably exceed what the expense will be in the General Prison. 4. There may be descriptions of insane prisoners whom it must be desirable to submit to the mode of treatment practised in a lunatic asylum, but who cannot be removed thither under the Act.

It therefore appears to us that great public advantage will result from having a portion of the General Prison fitted up for the reception of insane prisoners. It will still be competent to us, if in any special cases it should be thought proper, to act upon the power of removal to a lunatic asylum.

From what has been said as to the number of prisoners of this description at present in confinement, it will be seen that the extent of accommodation requir for them is not great. We propose that the southern half of the building formerly used as an hospital to the depôt, should be fitted up for this purpose. It is in a cheerful, airy, and healthy situation, and neither overlooks nor is overlooked by any other part of the prison. We are informed by our architect that accommodation may be thus provided, at an expense not exceeding our present means, for about thirty patients, being quite as much as appears to us to be requisite. We trust that this portion of the prison may be fitted up and ready to be opened at the same time with the other parts of the building.

Governor.

We informed your Lordship last year, that we had requested the Lord Advocate and Mr. Hill to consider and report as to a proper individual to be appointed by us to the important office of governor of the General Prison, and the amount of his salary. Upon the report and recommendation of these members of the Board, and the concurrence of the Hon. Fox Maule in their opinion, we appointed Walter Ruding Deverell, Esq., to this office, at a salary of 400*l.* per annum, commencing from 25th March, 1841, and to be raised by 25*l.* yearly thereafter, till it reach 500*l.* Mr. Deverell is appointed during pleasure.

II. LOCAL PRISONS.

The prisons in the several counties (excepting only the General Prison at Perth) are placed by the Act under the immediate superintendence and management of a Prison Board established in each county. These County Boards are appointed by the Commissioners of Supply of Counties, and the Magistrates of Burghs, in certain proportions, according to the amount of assessment contributed by them respectively for the purposes of the Act. The General Board is, at the same time, invested with powers of direction and regulation with respect to the proceedings of the County Boards, and the construction, management, and discipline of the prisons under their charge. This branch of our duty we have found to be very extensive and important, and it has occupied a large share of our attention during the past year.

Returns by Sheriff.

The powers of the General and County Boards commenced on 1st July last, until which period the prisons remained under the charge of the previously constituted authorities. As a preliminary measure, however, calculated to affo r information both to us and the County Boards in the discharge of our duties, we, in January last year, requested the sheriffs of the several counties, to make a return to us of the situation and description of every kind of prison or lock-up-house, situated within their several jurisdictions, with their opinion thereon in reference to the following points:—"1. If the prison be sufficient and capable of admitting of the system of individual separation of prisoners by day and night with labour and religious and moral instruction? or, 2. If the prison be insufficient for the above purposes, but capable of being rendered sufficient? or, 3. If the prison be insufficient and incapable of being rendered sufficient as above, if another prison be required at the same place on a new plan or site? or, 4. If the prison be unnecessary, and may be altogether discontinued?" In answer to the request thus made to the sheriffs, we readily received from all of them the returns required, with a statement of their opinions as to the prisons within their respective counties. From the information thus obtained, and the other materials for information previously existing, a table was constructed, showing the number, situation, and description of all prisons in Scotland, with reference to, and abstract of, the opinions thereon, contained in the following documents, viz.:—1st, Reports made in 1830, in obedience to the Act 6 Geo. IV. c. 54; 2nd, Report of the Burgh Commssion in 1835; 3rd, Reports of the Inspector of Prisons in 1835, 1836, 1837, and 1838; 4th, Returns obtained from the sheriffs in 1840. To this document we beg to refer in the Appendix, as exhibiting an authentic list of all our prisons at the period when the operation of the present Act commenced, and as containing an abstract of the opinions of those best qualified to judge, as to their state and condition during the last ten years, and their capabilities of improvement. An abstract of the opinions of the County Boards was afterwards added to this table, which thus exhibits a very important mass of information as to the Prisons of Scotland.

Table of Prisons, App. No. II.

So soon as the County Boards were formed, and some weeks previous to their entering upon the performance of their duties, we transmitted to each County Board copies of the table of prisons, in so far as applicable to their several counties, for their information, and with a request that they would state to us their opinion as to the existing prisons, and their views relative to the extent of prison accommodation best suited to their respective counties,—the changes necessary on the existing prisons,—and the new prisons required. In answer to this communication we received very valuable suggestions from the County Boards; to which, and to our opinion thereon, we shall hereafter refer. In the meanwhile, we have to mention some other proceedings, with reference to local prisons, adopted by us previous to the Act coming into operation.

Lord Melville's Letter, App. No. III.

At the request of the General Board, our chairman prepared a letter, to be sent to the County Boards, some time previous to their entering on their functions, bringing under their notice such provisions of the Act as required their special attention, and containing observations for their information and guidance in the discharge of their duties. To this letter, which was transmitted to the County Boards on 13th May, 1840, we refer in the Appendix, as containing our views with respect to several matters of much importance.

Mr. Hill's Letter, App. No. IV.

Mr. Hill was also requested by the Board to prepare a letter to be sent to County Boards, relative to the qualifications, salaries, and mode of appointment of Governors, and other officers of prisons, which he accordingly did. The letter was sent to the County Boards on 14th May, 1840, and is appended hereto.

Plans of Prisons, App. No. V. 1 to 7.

In order to furnish the County Boards with information and suggestions as to the construction of prisons, we directed Mr. Brown, our architect for the general prison, to prepare several plans of prisons, of different sizes. He did so accordingly; and the plans having been lithographed, a set of them was sent to each County Board, with an estimate of the probable cost of executing each plan, and a relative description by Mr. Brown of the manner in which the work is to be executed. These plans show various sizes of prisons, from two cells and keeper's house, to 15 cells and keeper's house, with other requisite accommodation. We beg to refer to the plans and relative description of work in the Appendix.

Introductory Rules for Prisons, App. No. VI.

The important subject of prison rules has engaged much of our attention during the past year, and we have made considerable progress in maturing our opinions to such extent as we hope will enable us soon to prepare a complete code of rules for the management and discipline of our prisons. It appeared to us, however, to be proper, even before we had acquired sufficient knowledge and experience of the subject to be able to do this, to furnish the County Boards, in the outset, with a few simple regulations, introductory of the system of discipline which we would desire to establish, particularly as regards the appointment of efficient officers, the separation of prisoners from each other, and their being provided with employment and religious and moral instruction. With this view, we made and submitted to your Lordship, in terms of the Act, "Introductory Rules for Prisons," which having been certified by your Lordship on 27th July, 1840, as proper to be observed and enforced, were immediately distributed by us to the several County Boards, with instructions to bring them into operation, in so far as the present state of the buildings would admit, not later than 1st November, 1840. An additional rule was afterwards made by us, and sanctioned by the Secretary of State on 7th November last, authorizing the forms of prison registers, prescribed by the 11th Introductory Rule, to be altered or added to as we might deem proper. To these Introductory Rules, and addition thereto, we refer in the Appendix to this Report.

Rule XXXVIII.

While the adoption of these rules is thus required in the various prisons, as rules of general application, provision is at the same time made that the County Boards shall, subject to the control of the General Board, have power to suspend the operation of any of them in whole or in part, provided they give immediate information on the subject to, and obtain the sanction of, the General Board. The County Boards are further empowered to retain any rules heretofore existing, or to make additional rules, provided such rules retained or made by them be consistent with the Introductory Rules, and be immediately reported to the General Board for their approbation. The General Board is also authorized to suspend the operation of any rule, either in whole or in part, whether made by themselves or by the County Boards, or to dispense with it altogether. By these powers conferred upon the General and County Boards by the Introductory Rules themselves, we sought both to render their introduction and operation more easy, and to adapt them to the existing state of our prisons, in many of which we were aware it would be impossible to carry into full effect the requisite system of discipline.

Rule XXXIX.

We may here mention, in anticipation of the report of our subsequent proceedings on this subject, that these views have been justified by the result. In a few instances, County Boards have desired permanently to suspend the operation of parts of the Introductory Rules. In a greater number, they propose the suspension only as a temporary measure, until they obtain proper officers, or are enabled to provide sufficient prison accommodation. And in many instances the County Boards propose to retain previously existing rules, and to lay down additional rules for the discipline of their prisons. The consideration of these communications, in the first instance, by a committee of our body, and afterwards by ourselves, has been anxious and laborious. We have, in no instance, seen cause wholly to dispense with the observance of any part of the Introductory Rules, although we have, in several cases, sanctioned the modification or temporary suspension of parts of them. We have also allowed County Boards to retain various rules previously existing, and to lay down others, not inconsistent with those made by us, being much influenced by the feelings that all such rules will be merely temporary, and will probably soon be superseded by the more comprehensive code, which we design to establish. In the meanwhile, the communications we have had with County Boards on these subjects, and the deliberation we have bestowed on them, have had the useful effect of bringing before us the views entertained by bodies of men whose opinions we respect, and of raising, and leading us to consider, various new and important matters of regulation.

Commencement of the Act.

On 1st July, 1840, the Act came into full operation; and we have the satisfaction of reporting to your Lordship, that so completely had all necessary previous arrangements been made, and so well-disposed were all parties concerned to give effect to the new system, that the management of the whole prisons of Scotland passed from the former authorities to the County Boards established under the Act, without the occurrence of any difficulty of the slightest importance. Considering that there are about 170 prisons in Scotland, great and small, and that almost every prison had its own separate managers, we think that while this circumstance is highly creditable, both to the former authorities, and to those who have succeeded them, it may at the same time be held as a testimony of the state of public feeling being strongly in favour of the system now established.

Suggestions by County Boards as to Prison accommodation.

One of the first acts of the County Boards, after they entered upon office, was to comply with the request, already mentioned to have been made by them, by the chairman of the General Board, in his address of the 13th May, to consider the condition of the existing prisons, and state their views relative to the extent of prison accommodation best suited to their several counties, the changes necessary on the existing prisons, and the new prisons required. The confidence then expressed on our part, that the County Boards would address themselves to this important part of their duty, with the same feeling of its urgency which the result

App. No. II.

of the Reports, referred to in the Table of Prisons, had impressed upon us, was fully warranted by the Reports received from them. In these Reports, of which an abstract is given in columns 10 and 11 of the Table of Prisons, the County Boards discharge the duty imposed upon them, in the most satisfactory manner; and their suggestions evince both a knowledge of the subject, and an earnest desire to comply with the provisions of the Act, and the views expressed by us in our various communications to them.

Report on Table of Prisons and Prison accommodation required in the several Counties.
App. No. VII.

The consideration of the suggestions thus made to us by the County Boards, and of the Prison accommodation required in the several counties, was referred by us to a committee of our number, consisting of the following members:—

Viscount Melville,
Sir William Rae,
The Lord Advocate,
The Solicitor-General,
The Dean of Faculty,
Mr. Monteith, and
Mr. Hill,

of whom three were appointed to be a quorum, and Viscount Melville Convener.

This committee held numerous meetings, and after full investigation and deliberation, agreed upon a Report, which was made from time to time to, and approved by, the General Board. The Report is hereto appended, and referred to; and it will be observed, that it treats of the prisons and prison accommodation required within the several counties, as arranged in the Justiciary Court Districts, in the following order:—

Districts.	Counties.
I. Glasgow	Lanark. Renfrew. Dunbarton.
II. Inverness	Inverness. Ross and Cromarty. Caithness. Sutherland. Elgin or Moray. Nairn. Orkney and Zetland.
III. Stirling	Stirling. Clackmannan. Kinross.
IV. Inverary	Argyle. Bute.
V. Aberdeen	Aberdeen. Banff. Kincardine.
VI. Perth	Perth. Forfar. Fife.
VII. Edinburgh	Edinburgh. Haddington. Linlithgow.
VIII. Ayr	Ayr. Wigtown.
IX. Dumfries	Dumfries. Kirkcudbright.
X. Jedburgh	Roxburgh. Berwick. Selkirk. Peebles.

Immediately upon the approval of the Report by the General Board, a communication was made to each County Board of the opinions therein expressed as to the prison accommodation required within their county; and they were requested to adopt such measures as might be necessary for giving effect to these opinions as speedily as possible. We have found the utmost readiness on the part of the County Boards to accede to our views; and even during the short period that has intervened since our opinions were intimated, we have received communications from many of them, submitting for our consideration measures proposed to be immediately put in execution, for the purpose of providing adequate prison accommodation. These communications have been referred by us to the same committee, who are actively engaged in considering and reporting upon them; and it seems probable that, in the course of the present year, operations will be in progress in all the counties in Scotland, for the purpose of improving the structure of their prisons or building new ones.

New Prison at Elgin. See Report and Plans in App. No. VIII.

The only new prison which we authorized to be built during last year was a prison at Elgin. The circumstances relative to the erection of that prison, with suitable explanations of the design of the building, are fully detailed in a Report by a committee of our number, consisting of Sir William Rae, the Dean of Faculty, and Mr. Speirs; and to their Report and relative plans we beg to refer in the Appendix.

The results of our communications to the other counties, with reference to their prisons, we shall report next year. In the meanwhile we beg to add a few observations with regard to some matters connected with this part of our duty, which at present appear worthy of notice.

Principle on which Prison accommodation to be provided.

The leading principle to which we have sought to give effect in providing prison accommodation in the several counties, is, that each county should have only one prison for the custody of all descriptions of civil and criminal prisoners; and that the other prisons required in the county should be merely subordinate to the chief one,—some classes of prisoners not being received in them at all, and those who may be received, and liable to detention for considerable periods, being transmitted from them to the chief prison of the county as soon as convenient. We consider the adoption of this principle to be beneficial in every point of view. It lessens the extent of prison accommodation required; it enables the management of the prisons of the county to be conducted with a smaller number of officers; it leads to the appointment of a superior class of officers in the chief prison, and consequently to the maintenance of a better system of discipline; and, upon the whole, therefore, it tends both to economy and efficiency. Certain modifications of this principle must be, and have been, admitted. There are a few counties in which there are towns of considerable size and importance, the seats of sheriff courts and centres of populous districts, which are at a great distance from the town where the chief prison is situated. At such towns there must be prisons legalised to receive nearly all, if not all, descriptions of prisoners. These cases, however, form only the exceptions to the general rule, and will be duly considered by us, with reference to their circumstances. In carrying this principle into effect, we have met with the cordial concurrence of the County Boards.

Small Prisons.

Constables' Houses.

Besides the prisons to be provided in pursuance of the 26th section of the Act, at all towns at which sheriffs hold courts for the exercise of their criminal jurisdiction, we propose that small prisons shall also be provided at many other considerable towns and villages; and the Table of Prisons, and Report to which we have referred, show the various places at which it is intended that such prisons shall be situated. Many of them will be merely what are termed lock-up houses, for the detention, for a few days, of prisoners while under examination previous to being committed for trial, and of those sentenced to very short periods of imprisonment. It has been proposed to us by some County Boards, that in some situations the necessity of providing a prison, within the meaning of the Act, might be obviated by the authorities who have charge of the police of the district, furnishing their police constables with strong rooms in their houses, for the temporary detention of offenders, until taken before a magistrate, or to prison. To this proposition we have answered, that we have no desire to interfere with any accommodation connected with constables' houses, such as a strong-room for the purposes of accidental and temporary detention of prisoners, while under the custody and charge of a constable, which the exigencies of particular districts, and the distance from prisons or lock-up houses may appear to render necessary in particular cases, or to subject the same to the provisions of the Prisons Act:—but that until it shall be seen to what extent such accommodation connected with the constable's house may be used, we do not feel at liberty to go further.

Report consists chiefly of adoption of views of County Boards.

Another remark which occurs to us, with respect to the Report of our Committee on Prison Accommodation, is, that it is extremely gratifying to observe how much the measures recommended by the committee, and approved by us, consist simply of the adoption of the suggestions of the County Boards themselves. No better proof than this can be afforded of the harmony of purpose and feeling existing between the County Boards and the General Board, and nothing can be more likely to lead to the attainment of those measures of improvement of their prison accommodation, which both they and we concur in recommending.

Limitation of assessment for building Local Prisons.

Sect. 36.

This latter consideration is seen to be the more important, when we call attention, in the next place, to the fact, that in many of the counties it is not in the power of the General and County Boards united, to command such amount of funds as will be necessary to provide the extent of prison accommodation which we both see to be proper. We are limited by the Act in our power of raising funds for building, altering, and repairing local prisons, to a maximum assessment of £10,000 per annum, distributed in certain proportions among the whole counties; the portion raised in each county being exclusively applicable to its own prisons. In many of the counties, however, the maximum amount of this assessment, for the whole period of 10 years for which the Act endures, would be quite inadequate to enable us to raise sufficient funds for the requisite purposes.

Power to add to this Assessment.

But there is a power given by the Act to add to the maximum amount of assessment such sum as may be required; and to the exercise of this power by the Commissioners of supply and magistrates of burghs who are entrusted with it, we must look for the means of carrying into effect those measures of improvement, which both their own County Boards and we consider to be so important. We are happy to understand that several of those bodies whose consent is necessary to any addition being made to the assessment for building, altering, and repairing local prisons, have already expressed their willingness to give such consent when the proper period shall arrive for doing so. This will be in April next, when they shall be severally assembled to choose the members of their County Boards; and we trust that the subject will then be fully considered by all and each of them, with the opinions of their County Board and of this Board, and with that feeling of its importance which is so urgently demanded. It is material for them to keep in view, that the express consent of all the bodies to which we have referred, at their several meetings to choose the County Board in April, is necessary in order to authorize the additional assessment.

Removal of Prisoners. Sect. 31.

The only further observation we have to make with reference to the discharge of our duty in affording proper prison accommodation to the several counties, is, that the Act empowers us to take steps for the removal of prisoners from one county to another, and provides, that if it shall be necessary, from the want of accommodation or insufficiency in the prisons of any county, to remove a prisoner to the prison of any other county, the county from which any prisoner shall be for such cause removed, shall be charged with a sum double the expense of the conveyance and maintenance of such prisoner, which sum, after defraying such expense, shall be paid to the county into the prison of which such prisoner shall be so removed. There have hitherto been, however, only a few instances in which we have found it to be our duty to exercise this power; and indeed we feel averse to use a power carrying with it so severe a penalty, unless all other means of relief have been found unavailing. The same section of the Act authorizes us to direct the removal of prisoners from one prison to any other prison situated in the same county deemed more fit and convenient. This power we have frequently exercised. It is done without trouble or expense to the counties, farther than the mere removal of the prisoners, is unattended with any disturbance of their pecuniary arrangements, and is calculated to afford them much convenience in the use of their prison accommodation.

Declarations discontinuing Prisons. App. No. IX.

The 22d section of the Act authorizes us, by a writing under our hands, or under the hands of any five of us, and which shall be published in the Edinburgh Gazette, and in such other manner as we shall think proper, to declare and intimate, from time to time, the names and situations of all prisons, and the description of prisoners to be received therein respectively; and also to authorize the County Boards to discontinue, and sell, and dispose of any prison. We are also empowered to permit the County Boards to give up and discontinue any of the small prisons without requiring any price, if they shall think proper. In virtue of these provisions, we have thought fit to grant several declarations discontinuing prisons, some of them altogether, and in other instances for certain classes of civil prisoners, and authorizing the County Boards to make the necessary arrangements for the removal of the prisoners, and disposal of the prison, in cases where it has been wholly discontinued. We have also united some prisons into one, which have heretofore been under the management of separate bodies. A table of declarations is hereto appended, showing briefly their extent and effect. It will be observed, that the discontinuance is chiefly of the prisons of small burghs as prisons for civil prisoners; there being in all cases at least one prison left in the county authorized to receive all descriptions of civil and criminal prisoners. This is in conformity with the principle on which prison accommodation ought to be provided in the several counties, which we have already explained. The effect will be, both to enable proper small prisons to be more easily maintained in these burghs for the reception of criminals for short periods, and to make better provision for the safe and proper custody elsewhere, of a class of prisoners whose imprisonment is attended with peculiar responsibilities.

We have thus briefly reported to your Lordship the chief branches of our proceedings in the performance of our duties with respect to local prisons. There have been besides a great variety of matters regarding the administration of local prisons, and the duties of County Boards, which have come under our consideration. We consider it to be unnecessary, however, to enter into any further or more minute detail. It may be enough to state generally, that our advice and assistance have been, and will continue to be, at the service of the County Boards, in all matters on which they may think proper to refer to us,—with the exception only of legal questions, which we have no authority to determine, and as to which, therefore, we are generally unwilling to express an opinion. It must also be added, that all our communications to the County Boards have been received by them in the most satisfactory manner; and that, in every instance, we have found them ready to give effect to our requests and directions.

We have required and received from the several County Boards, quarterly classified returns of the prisoners in their several counties since the commencement of the Act,—abstracts of which are hereto appended and referred to. Quarterly Returns of Prisoners, App. No. 10.

As connected with this subject, we may observe that the use of one uniform system of registers in all the prisons, since the commencement of the present year, according to the forms prescribed by the introductory rules, will now enable us to obtain very full and uniform returns from all the prisons of various important matters, as to which it has heretofore been impossible to obtain accurate information from many of them. We propose to take advantage of this circumstance, and shall endeavour to adjust the form of returns to be required, in such manner as to exhibit the results of the registers with as little trouble and expense as possible to the County Boards and their officers.

III. Receipts and Expenditure in 1840

We have now to submit to your Lordship, in terms of the Act, an abstract of the whole receipts and expenditure during the year 1840, classifying the separate articles thereof, and showing from whence the receipts have been derived, and to what purposes the expenditure has been applied; and we have reserved for this occasion a report of our proceedings, generally with regard to matters of finance during the past year. It appears to us that we shall best perform this part of our duty by reporting separately as to the different heads of receipt and expenditure authorized by the Act. These are, 1. Expense of building the general prison under section 35. 2. Current expenses of the General Board under section 37. 3. Expense of building, altering, and repairing local prisons under section 36. And, 4. Current expenses of County Boards under section 38. Sect. 8.

1. *Expense of Building the General Prison.*—During last year we received, by instalments, the sum of 10,000*l.*, authorised by the 35th section of the Act, to be paid out of the consolidated fund towards building the general prison. We have further to state, that the full amount of the assessment of 2,000*l.* annually, leviable under that section of the Act, was estimated for in our last report, and that the estimate having been approved by your Lordship, the amount was duly apportioned by us on the several landward parts of counties and on burghs, and due notice of such apportionment was given on 15th April last. No part of that assessment has yet been received by us; but it becomes payable, in the proportions notified, on 15th April ensuing. We have also to refer to what was said in our last report as to opening an account with the Bank of Scotland, and the establishment of a credit in our favour with that bank to the extent of 5,000*l.* With these explanations, the following abstract of receipts and expenditure under this head is submitted:— Building General Prison.

Receipts.

	£. s. d.	£. s. d.
1. Cash from the Lords Commissioners of Her Majesty's Treasury, in payment of the grant of 10,000*l.*, in terms of the Act, viz.:—		
13th January, 1840	1,500 0 0	
12th May, „	1,000 0 0	
3d June, „	1,000 0 0	
10th June, „	1,000 0 0	
11th July, „	4,700 0 0	
23d October, „	800 0 0	
		10,000 0 0
2. Cash drawn by the General Board from their account with the Bank of Scotland		935 19 5
3. Interest accruing on this account at the rate of 3 per cent.		83 19 0
Sum of receipts		£11,019 18 5

Expenditure.

1. Payments to the contractors for the execution of the works of the General Prison at different times, on account of their respective contracts, viz.:—			
To Messrs. M'Pherson, Maver, and Lind, contractors for the mason, carpenter, and slater works	£9,400 0 0		
To Mr. Robert Ritchie, contractor for the iron works	1,000 0 0		
		10,400 0 0	
2. Payment to Messrs. M'Pherson, Maver, and Lind, for extra work		221 12 7	
3. Payments to architect and clerk of works:—			
Mr. Brown, architect, to account of remuneration	200 0 0		
Mr. James Scott, clerk of works, at rate of 2*l.* 2*s.* per week, from 1st April to 29th December, 1840, both days inclusive	81 18 0		
		281 18 0	
4. Sundry payments in connexion with contracts:—			
Engraving plans, printing explanation thereof, probable estimate of expense, &c.	30 16 6		
Advertising for contracts	32 16 4		
Copies of specifications for use of offerers for contracts	10 14 6		
Surveyor for measuring works in contracts	30 18 0		
Payment to second offerers for contract for executing mason, carpenter, and slater works, on account of their detention while offers were under consideration	10 10 0		
Payment for appending city seal to affidavit relative to loan from Exchequer Bill Commissioners	0 12 6		
		116 7 10	
Sum of expenditure			£11,019 18 5

Current Expenses of General Board.

2. *Current Expenses of the General Board.*—The assessment of 5,000*l.*, authorized by the 37th section of the Act, to be made, in order to meet the expense of the first year, under this head of expenditure, including the current expenses of the general prison at Perth, was contained in the estimate submitted in our last Report; and that estimate having been approved by your Lordship, the amount was duly apportioned by us on the several landward parts of counties and on burghs, and due notice of such apportionment was given to them on 15th April last. No part of that assessment has yet been received by us; but it becomes payable, in the proportions notified, on 15th April ensuing. In the meantime we have availed ourselves of our credit account for 5,000*l.* with the Bank of Scotland. The following abstract of receipts and expenditure under this head is submitted; it being proper to remark, however, that the expenditure relates to the period from the receipt of the royal warrant appointing the members of the Board, on 26th August, 1839, to, and inclusive of, 31st December, 1840:—

Receipts.

	£.	s.	d.	£.	s.	d.
1. Cash drawn by the General Board from their account with the Bank of Scotland, on account of current expenses of the General Board	1,484	10	0			
Ditto, on account of Local Boards	3	3	9			
				1,487	13	9
2. Rents received from corn-merchants in Perth, for use of parts of the depôt as granaries				48	15	0
3. Balance due to the secretary				2	7	3
Sum of receipts				£1,538	16	0

Expenditure.

1. Fitting up and furnishing chambers				234	11	9			
2. Books				32	6	1½			
3. Rent of chambers				55	0	0			
4. Public and municipal burdens				12	3	4			
5. Clerk, to account of remuneration				300	0	0			
6. Messenger, wages at the rate of 10*s*. per week				29	10	0			
7. Expenses of members of Board and secretary visiting works at Perth				34	0	0			
8. Governor of the General Prison, by direction of the Board, being for services performed previous to the commencement of his salary				225	0	0			
9. Superintendent of property at General Prison, being salary at rate of 1*l*. 1*s*. per week				58	11	0			
10. Printing and lithographing				341	2	0			
11. Stationery				30	6	3			
12. Advertising, and notifying to courts of session and justiciary, declarations by the General Board discontinuing prisons, and recording warrants appointing members of the Board in the books of sederunt and adjournal				69	9	3			
13. Accountant, for checking and certifying tables of assessment				24	3	0			
14. Sundry disbursements for postages, coals for chambers, and petty charges				62	7	8½			
15. Interest on this account				24	14	7			
				1,533	5	0			
16. Advances on account of the following Local Boards, being expenses incurred in obtaining warrants from the High Court of Justiciary, for removal of prisoners, viz.:—									
Banff	£0	7	0						
Edinburgh	0	7	0						
Perth	0	7	0						
Argyle	0	7	0						
Lanark	0	7	0						
Haddington	2	5	0						
Dunbarton	0	16	6						
Ayr	0	14	6						
				5	11	0			
Sum of expenditure							1,538	16	0

Building Local Prisons.

3. *Expense of Building, Altering, and Repairing Local Prisons.*—The full amount of the assessment of 10,000*l*., authorized by the 36th section of the Act, to be made in order to defray the expense of building, altering, and repairing local prisons, was contained in the estimate submitted in our last Report; and that estimate having been approved by your Lordship, the amount was duly apportioned by us on the several landward parts of counties and on burghs, and due notice of such apportionment was given to them on 15th April last. No part of that assessment has yet been received by us, but it becomes payable in the proportions notified on 15th April ensuing. In order to provide funds to the County Boards who might require them, for the purpose of necessary buildings, alterations, or repairs, previous to this assessment becoming payable, we entered into an arrangement with the Bank of Scotland, for the advance to us of a sum not exceeding 10,000*l*. on the security of the said assessment. We intimated this to the several County Boards on 26th June last, and informed them that one-half of the assessment for the current year, on their respective counties, was ready to be remitted to them on application. We accordingly received several applications

for advances on this account, and the following abstract of receipts and expenditure under this head is submitted :—

Receipts.

	£.	s.	d.
Cash drawn by the General Board from their account with the Bank of Scotland, including interest	1,471	11	3
Sum of receipts	£1,471	11	3

Expenditure.

Advances to the Prison Boards of the following counties, on the credit of the first year's assessment, for the purpose of building, altering, and repairing local prisons, and interest thereon, from the date of the respective advances to 31st December, 1840, inclusive, viz. :—

	£.	s.	d.
Berwick	51	3	1
Banff	66	1	8
Renfrew	288	9	6
Lanark	689	3	10
Sutherland	35	11	10
Inverness	101	13	4
Ross and Cromarty	129	1	10
Forfar	50	19	2
Nairn	18	16	5
Orkney and Zetland	25	7	4
Selkirk	15	3	3
Sum of expenditure	£1,471	11	3

Current Expenses of County Boards.

4. *Current Annual Expenses of County Boards, including Aliment of Prisoners, &c.*—We made no estimate in our Report last year with respect to this head of receipt and expenditure, because the sums to be raised for this purpose are not required by us, and do not come into our hands, but are payable directly to the County Boards, and remain in their hands; and we have no abstract of receipts and expenditure to submit with respect to this head.

We have to report, however, that, in pursuance of the 38th section of the Act, the several County Boards (with the exception of the County Board of Orkney and Zetland) fixed and determined, at meetings held by them for the purpose in the month of September last, the amount of assessment to be imposed on their several counties for the current annual expenses of their prisons. There having been an informality in this proceeding, with respect to the county of Orkney and Zetland, arising from its peculiar situation, the amount of assessment to be imposed on that county for the current annual expenses of its prisons was fixed and determined by us as coming in place of the County Board, under the 16th section of the Act. The sums so fixed and determined having been intimated to us, were duly apportioned on the several landward parts of counties and on burghs, and due notice was given in terms of the statute. Such assessments will become payable to the several County Boards, in the proportions notified, in twelve months from the date of such notices.

Table of Assessments in 1840, App. No. XI.

For your Lordship's further information, we have thrown into one table the whole assessments imposed on the several counties in Scotland, under the Prisons' Act, for the four purposes before mentioned, and the apportionment of such assessments among the several landward parts of counties and burghs; and this table appears in the Appendix.

Having thus submitted a detailed abstract of the whole receipts and expenditure, with a classification of the separate articles thereof, as applicable to the several heads, we have further to lay before your Lordship the following general abstract of the whole cash transactions of the Board during the period to which the foregoing accounts relate :—

General Abstract of the whole Cash Transactions of the General Board of Directors of Prisons in Scotland, from 26th August, 1839, to 31st December, 1840.

RECEIPTS.

				£.	s.	d.
I. Cash from the Lords Commissioners of Her Majesty's Treasury, in payment of grant	£10,000	0	0			
Interest accruing thereon	83	19	0			
				10,083	19	0
II. Cash from Bank of Scotland, on General Account	£12,531	12	7			
From which deduct payments into Bank	10,107	19	5			
				2,423	13	2
III. Rents from Corn Merchants in Perth, for use of parts of Depôt as Granaries				48	15	0
IV. Cash from Bank of Scotland, on Credit for Building, Altering, and Repairing Local Prisons				1,471	11	3
V. Balance due to the Secretary				2	7	3
				£14,030	5	8

EXPENDITURE.

	£.	s.	d.
I. For Building General Prison	11,019	18	5
II. For current Expenses of General Board	1,533	5	0
III. For advances to the Prison Boards of certain Counties, on the Credit of first year's Assessment, for Building, Altering, and Repairing Local Prisons, and Interest thereon	1,471	11	3
IV. For advances on account of current Expenses of Local Prisons	5	11	0
	£14,030	5	8

IV. ESTIMATE FOR 1841.

We are required, by the 40th section of the Act, to transmit to your Lordship, as part of this Report, an estimate of the sums which we shall require in the execution of the Act during the current year. In the performance of this duty we have to submit the following estimate with respect to the several purposes for which the sums therein contained are in our opinion required.

Building General Prison.

1. *Building General Prison.*—We estimate that the sum of 2,000*l.* will be required to be raised by assessment, in manner provided by the Act, for the current year, for defraying the expense of converting the said buildings at Perth into a general prison, and furnishing and completing the same. The table on the following page shows the apportionment of this assessment on the several counties.

With reference to this estimate we have to state, that, subsequent to the close of last year, we have made arrangements as to a loan from the Exchequer Bill Loan Commissioners of the sum of 15,950*l.*, bearing interest at the rate of 5 per cent. per annum, on the security of the assessment of 2,000*l.*, leviable annually for ten years, under the 35th section of the Act. It will, therefore, be necessary to continue to estimate for this sum annually, until the said loan be repaid. The amount of the loan is very nearly the whole present value of the assessment, calculating interest at 5 per cent. per annum.

Current Expenses of General Board.]

2. *Current Expenses of the General Board, including current Expenses of the General Prison at Perth.*—We are of opinion that we shall not require any further sum for these purposes, during the current year, than the balance still unexpended of the sum of 5,000*l.* estimated for last year; and on this head we, therefore, make no estimate.

Building Local Prisons.

3. *Expense of Building, Altering, and Repairing Local Prisons.*—We estimate that the sum of 10,000*l.* will be required to be raised by assessment, in manner provided by the Act, for the current year, for defraying the expense of building, altering, and repairing the local prisons. The table on the following page shows the apportionment of this assessment on the several counties.

In submitting a similar estimate last year, we stated that we did so without that knowledge of the subject which we would desire to have had, and which we trusted afterwards to obtain. The minute investigations which we have now made into the condition of the prisons in the several counties, the communications which we have had with the County Boards, and the concurrence of opinion entertained both by them and by us as to the extent of prison accommodation required in every county in Scotland, enable us to submit the present estimate with full confidence of its necessity, and of its approval by the County Boards.

Current Expenses of County Boards.

4. *Current Expenses of County Boards.*—For the reasons stated last year, and already adverted to, we make no estimate of the expense of transmitting prisoners from one local prison to another, the expense of the aliment of prisoners in the county gaols, and, generally, the current expenses of such gaols. The amount of this assessment is, by the 38th section of the Act, to be fixed and determined by the County Boards in September annually, and is thereafter payable to them.

Table of Estimated Assessments apportioned on the several Counties of Scotland, including the Burghs situated therein, for the Year 1841, for the Purposes specified in the Table.

Counties.	For the Expense of converting the Buildings at Perth into a General Prison, and of furnishing and completing the same, Sect. 35.			For the Expense of building, altering, and repairing the Local Prisons, Sect. 36.		
	£.	s.	d.	£.	s.	d.
1. Aberdeen	146	19	7	734	17	11
2. Argyle	65	12	8	328	3	4
3. Ayr	86	17	2	434	5	10
4. Banff	25	15	8	128	18	4
5. Berwick	19	19	2	99	15	10
6. Bute	9	11	8	47	18	4
7. Caithness	24	5	2	121	5	10
8. Clackmannan	19	3	3	95	16	3
9. Dumbarton	31	11	2	157	15	10
10. Dumfries	57	1	1	285	5	5
11. Edinburgh	292	8	6	1,462	2	6
12. Elgin	21	3	7	105	17	11
13. Fife	90	19	6	454	17	6
14. Forfar	141	10	9	707	13	9
15. Haddington	27	1	4	135	6	8
16. Inverness	62	13	5	313	7	1
17. Kincardine	22	15	8	113	18	4
18. Kinross	17	15	1	88	15	5
19. Kirkcudbright	28	18	11	144	14	7
20. Lanark	269	0	2	1,345	0	10
21. Linlithgow	22	15	7	113	17	11
22. Nairn	7	7	10	36	19	2
23. Orkney and Shetland	32	19	4	164	16	8
24. Peebles	7	1	10	35	9	2
25. Perth	126	1	3	630	6	3
26. Renfrew	112	11	5	562	17	1
27. Ross and Cromarty	50	12	5	253	2	1
28. Roxburgh	64	2	10	320	14	2
29. Selkirk	5	19	11	29	19	7
30. Stirling	66	11	1	332	15	5
31. Sutherland	13	17	11	69	9	7
32. Wigton	28	15	1	143	15	5
Totals	£2,000	0	0	£10,000	0	0

We conclude by referring your Lordship to the subjoined Appendix, as exhibiting much of what has been most important in our proceedings during the last year. We have thought it unnecessary, however, to enter more fully into detail with regard to the administration of the ordinary business of the General Board, but are quite ready, if required, to afford the fullest information as to every part of our proceedings. We have the honour to be,

My Lord,
Your Lordship's very obedient servants,

BREADALBANE.
DALHOUSIE.
ROSEBERY.
MELVILLE.
BELHAVEN, &c.
DUNFERMLINE.
F. MAULE.
C. HOPE.
D. BOYLE.
WM. RAE.
AND. RUTHERFURD.
J. IVORY.
THOMAS MAITLAND.
JOHN HOPE.
ALEX. E. MONTEITH.
ADAM ANDERSON.
GRAHAM SPEIRS.
FREDERIC HILL.
JOHN WIGHAM, Jun^{R}.

APPENDIX.

APPENDIX.

No. 1.

STATEMENT of DATES of MEETINGS of the GENERAL BOARD of DIRECTORS of PRISONS in SCOTLAND, and of the COMMITTEES thereof, during the year 1840.

General Board—Twenty-six Meetings.

8 January.
12 February.
10 March.
25 March.
22 April.
27 April.
11 May.
16 May.
26 May.
17 June.
24 June.
4 July.
7 July.
15 July.
11 August.
9 September.
12 September.
24 September.
9 October.
21 October.
2 November.
9 November.
30 November.
19 December.
24 December.
30 December.

Committee on Rules and Plans—Ten Meetings.

The Marquess of Breadalbane,
The Earl of Rosebery,
The Viscount Melville,
Sir William Rae,
The Lord Advocate,
The Solicitor-General,
The Dean of Faculty,
Mr. Monteith,
Mr. Anderson,
Mr. Speirs, and
Mr. Hill.

The Lord Advocate, or, in his absence, the Solicitor-General, convener. Three a quorum.

3 February.
28 February.
24 March.
25 March.
26 March.
28 March.
30 March.
26 May.
8 June.
17 June.

Committee on Finance—Six Meetings.

Lord Ivory,
The Solicitor-General,
Mr. Monteith,
Mr. Anderson,
Mr. Speirs, and
Mr. Wigham.

Mr. Speirs, convener, and three a quorum.

15 January.
19 February.
11 May.
8 September.
27 November.
23 December.

Committee on Classification of Prisoners.

Sir William Rae,
The Lord Advocate,
Lord Ivory,
The Dean of Faculty,
Mr. Anderson, and
Mr. Speirs.

The Lord Advocate, convener, and three a quorum.

31 August.
9 September.

Committee on Elgin Prison.

Sir William Rae,
The Dean of Faculty, and
Mr. Speirs.

Sir William Rae, convener.

8 September.
24 September.

Committee on Barony Prisons.

The Dean of Faculty,
Mr. Anderson, and
Mr. Monteith.
The Dean of Faculty, convener, and two a quorum.
17 October.

Committee on General Prison—Six Meetings.

The Marquess of Breadalbane,
The Viscount Melville,
The Lord Advocate,
The Dean of Faculty, and
Mr. Anderson.

With power to any one or more to act.

14 September (at Perth.)
9 October.
10 December.
11 December.
18 December.
24 December.

Committee appointed to confer with Contractors for building General Prison.

The Hon. Fox Maule, and
The Lord Advocate.
21 December.

Committee on Table of Prisons—Eight Meetings.

The Viscount Melville,
Sir William Rae,
The Lord Advocate,
The Solicitor-General,
The Dean of Faculty,
Mr. Monteith, and
Mr. Hill.

Lord Melville, convener, and three a quorum.

12 October.
21 October.
30 October.
6 November.
13 November.
25 November.
4 December.
28 December.

Committee on Removal of Prisoners.

The Viscount Melville,
Sir William Rae,
The Lord Advocate,
The Solicitor-General,
The Dean of Faculty,
Mr. Monteith,
Mr. Speirs,
Mr. Hill, and
Mr. Wigham.

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TABLE showing the Number, Situation, and Description of all Prisons, Gaols, Bridewells, Houses of Correction, Lock-up Hous with reference to, and abstract of, the opinions thereon, contained in the following documents:—1st. Reports made in 18 1835, 1836, 1837, and 1838; 4th. Returns obtained from the Sheriffs in 1840.

Together with Abstracts of Suggestions made by the County Boards, as to the system of Prison Accommodati

COUNTIES.	Places where Prisons situated.. [County Towns marked thus *. Other Towns where Sheriffs hold Criminal Courts marked thus †.]	Distance from County Towns of each County.	General description of Prison,—as County Prison, Burgh Prison, Barony Prison, Bridewell, Police Prison, Lock-up House, &c. — [Taken from Sheriff's Returns, Jan. 1840.]	For what description of Prisoners used. — [Taken from Sheriff's Returns, Jan. 1840.]	OPINIONS as to each Prison, in so far as bearing pable of admitting of the system of individ religious and moral instruction; or, 2d, If rendered so; or, 3d, If the Prison be insufficie Prison be required at the same place, on a n altogether discontinued.	
					Reference to Reports made to Parliament in 1830, in obedience to 10 Geo. IV., c. 54, and Abstract of Reports therein contained, in so far as applicable to the above heads of inquiry.	Reference to Report b Burgh Commission i 1835, with Abstract o their opinion, in so fa as applicable to th above heads of inquiry
1.	2.	3.	4.	5.	6.	7.
1. ABERDEEN .	*ABERDEEN . .	..	Burgh and county prison.	Civil and criminal .	Page 3. Old gaol in Castle-street (contiguous to new gaol) very insufficient; no airing grounds; seven apartments; little room for classification.	Local Reports, part 1 p. 23. Gaol commodious, but insufficien as to classification an warmth.

With power to any two or more to act.
Mr. Speirs, convener.
18 November.
25 November.

Committee on Diet.

Mr. Anderson,
Mr. Speirs,
Mr. Hill, and
Mr. Wigham.

Mr. Wigham, convener, and three a quorum.
17 November.
27 November.

Committee on Rules of County Boards.

The Lord Advocate,
Lord Ivory,
The Solicitor-General,
The Dean of Faculty,
Mr. Speirs, and
Mr. Hill.

Lord Ivory, convener, and three a quorum.
7 December.
9 December.

Abstract of Meetings.

General Board			26
Committee on Rules and Plans		10	
,,	Finance	6	
,,	Classification of Prisoners	2	
,,	Elgin Prison	2	
,,	Barony Prisons	1	
,,	General Prison	6	
,,	Conference with Contractors	1	
,,	Table of Prisons	8	
,,	Removal of Prisoners	2	
,,	Diet	2	
,,	Rules of County Boards	2	
		—	42
	Total		68

I.

r other Houses or Places in which persons may be legally confined as Civil or Criminal Prisoners, situated within Scotland;
ı obedience to Act 6 Geo. IV., c. 54; 2nd. Report of Burgh Commission in 1835; 3rd. Reports of Inspector of Prisons in

ıost suitable to each County, consistently with the Act, having particularly in view sections 22, 26, 28, and 52.

he following points:—1st, If the Prison be sufficient, and ca- eparation of Prisoners, by day and night, with labour, and 'rison be insufficient for the above purposes, but capable of being nd incapable of being rendered sufficient as above, and if another lan or site; or, 4th, If the Prison be unnecessary, and may be		SUGGESTIONS made by the County Boards, as to the system of Prison Accommodation most suitable to each county, consistently with the Act. See, particularly, sections 22, 26, 28, and 52.		
Reference to Mr. Hill's four Reports made in 1836, 1837, 1838, and 1839, and Abstract of his opinion, in so far as applicable to the above heads of inquiry.	Abstract of Opinions of Sheriff's, in answer to Circular Letter from the Board in January, 1840, on the above heads of inquiry.	I. With respect to existing Prisons:— 1. Class of Prison required. 2. If sufficient, and requiring no alteration or repair. 3. If to be altered or repaired, and general nature of such alterations or repairs. 4. If to be disposed of, or removed, and a new Prison erected in the same place, on a different plan or site. 5. If to be discontinued and disposed of. II. With respect to new Prisons required in other places, and class of such Prisons.	III. With respect to the description of Prisoners to be received in each Prison respectively.	
8.	9.	10.	11.	
1. 21. Secure, well ventilated, dry, and healthy, but unfit either for labour or separation. 3. 106. Capable of being adapted to a good system of discipline. 4. 55. Considerably improved.	Capable of, but not very well adapted to, separate system. Constructed on plan of day and night rooms; the latter require warming.	The existing gaol and bridewell to be united, and managed as one prison of the first class. Various alterations and repairs for the gaol recommended, conform to the memorandum thereof submitted to general board, 18th July, 1840, and 3d September, 1840.	The Aberdeen prison (of the first class) is to be held a legal prison, for the reception of every description of prisoners, civil and criminal; and to be, as heretofore, the only prison in the county for civil prisoners. The second class prisons at Peterhead and Huntly to be used for the reception of prisoners committed for short periods. All the other prisons in the county to be used as lock-up houses merely.	ABERDEEN.

Table showing the Number, Situation, and Description of all Prisons,

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV., c. 54.	7. Rep. Burgh Com.
1. ABERDEEN, (continued.)	*Aberdeen	..	Burgh and county bridewell.	Criminal	Pages 3 and 4. Contains 70 apartments; complete means of classification and security; good ventilation; airing grounds.	Nil
	Ditto	..	Police cells.			
	Ditto	..	Old Tolbooth.			
,,	Old Aberdeen	1	Burgh prison, used as a lock-up house.	Criminals for a night.	Nil	Loc. Rep., part 1, p. 51. No proper gaol, but lock-up room in the Town-house, being all that is necessary.
,,	Kintore	12	Ditto	Ditto	Page 7. Consists of only one apartment; merely used as lock-up house, being all that is necessary, and adequate for that purpose.	Loc. Rep., part 2, p. 153, Gaol provided by Lord Kintore.
,,	Inverury	16	Ditto	Ditto	Page 6. Two apartments; used only as a lock-up house, and sufficient for that purpose.	Nil
,,	Huntly	40	Burgh of barony prison, used as lock-up house.	Ditto	Nil	Loc. Rep., part 3, p. 90. Duke of Gordon, superior.
,	Turiff	..	Ditto	Ditto	Nil	Nil
,,	Strichen	..	Ditto	Ditto	Nil	Nil
,,	Fraserburgh	42	Ditto	Ditto	Nil	Loc. Rep., part 3, p. 90. Burgh property; comprehends a small gaol, which is unserviceable as a place of confinement. Lord Saltoun, superior.
,,	† Peterhead	35	Ditto	Ditto	Nil	Loc. Rep., part 2, p. 325. The only gaol in the town is a vault under Town-house; never used; no gaoler.
,,	Old Meldrum	..	Nil	Nil	Nil	Nil
2. ARGYLE	*Inverary	..	County and burgh prison.	Civil and criminal	Page 8. Criminal gaol of nine apartments; heated and ventilated; secure; debtors' gaol, five apartments; airing grounds; prison generally reckoned sufficient in size and accommodation.	Loc. Rep., part 2, p. 82. Debtors' gaol, five rooms; criminal gaol, eight cells, and hole; five lunatics, which found very inconvenient. Accommodation insufficient.
,,	† Campbelton	73	Burgh prison	Ditto	Page 9. Gaol consists of six apartments; not proper means of classification; communication also with the street; no airing-ground; not secure; might be enlarged.	Loc. Rep., part 1, p. 151. Gaol very deficient; criminal part ill aired, ill lighted, and unhealthy; for debtors not so bad, but too limited, and ill ventilated. The whole insecure.

aols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
1. 25. Substantial and healthy; separation and labour carried into effect, but not fully. 2. 29. Many defects in construction, but better than most prisons,—affords means of complete separation, labour, and inspection. 3. 107. Discipline improved. 4. 61. Little change. General management satisfactory.	Separate system in operation, and prison well adapted for it; requires secure airing yards; health of prisoners affected by long, close confinement.		. . .	ABERDEEN, (continued.)
2. 34. Mere lock-up house, tolerably secure, dry, and well ventilated, but communicates with the street. Good small prison wanted here.	Insufficient in every respect; in bad situation, and ill constructed; may be discontinued.	To be discontinued	. . .	
2. 36. Consists of one room; dirty; dry; tolerably secure; seldom required: under jurisdiction of Lord Kintore.	Used seldom; altogether insufficient; in bad situation, and ill constructed; may be discontinued.	No alteration at present contemplated .	. . .	
2. 35. Two rooms, but one only used,—dry; tolerably ventilated.	In bad situation, and ill constructed: small prison necessary for criminals for 8 to 14 days.	Insufficient; but the question whether it shall be altered, or a new prison built, not yet determined.	. . .	
1. 63. Miserable hovel; insecure; cold and damp. A suitable prison required here.	Ditto	Quite insufficient, and incapable of improvement. A second class prison to be built.	. . .	
2. 39. Built three years ago; two cells; windows accessible to the public; otherwise tolerably well suited; seldom required, but useful.	Ditto	Nothing decided on as yet with regard to this prison.	. . .	
Nil	Ditto	Ditto	. . .	
2. 38. A room used as a lock-up house for prisoners not likely to escape. In other cases an officer remains with the prisoner in an inn, until he is sent to Aberdeen. Under jurisdiction of Lord Saltoun, the superior of the burgh.	Ditto	A third class prison is intended to be built.	. . .	
2. 37. Cell in town-house called black hole; once used as a prison, but now disused; also a room once used as a watch-house. No prison now existing. Prison much required.	In bad situation, and ill constructed. Small prison necessary for criminals from 8 to 14 days.	A second class prison is intended to be built.	. . .	
2. 35. Single room in town-house, tolerably secure; and adjoining room also used as a prison when necessary; under jurisdiction of Mr. Urquhart, superior of the burgh. Seldom used.	Nil	Nothing yet decided as to this place .	. . .	
3. 108. and 4. 66. Nine new small prisons required, one at each of Peterhead, Fraserburgh, Huntly, Inverury, Kintore, Old Meldrum, Turiff, Strichen, and Tarland.	. . .	A third class prison intended to be built at Tarland.	. . .	
3. 62. Fourteen apartments; airing-yard not secure. Prison not well ventilated, and parts of it insecure. 4. 27. Heated by Perkin's apparatus.	Incapable of admitting of separate system, but with some additions might be made capable.	Prison is capable, with some alterations, of being converted into a prison where the separate system could be introduced.	Civil and criminal.	ARGYLE.
3. 64. One of the worst in Scotland. Old, insecure, exposed to the street, insufficient, ill ventilated, and damp. No airing-yard.	Insufficient and incapable; nor does the site admit of a sufficient prison being erected. Sufficient prison, as above, indisputably required.	New prison required; but if the county unite with any other, say with Bute, having a common prison at Rothesay, a small prison of the second class would be sufficient at Campbeltown.	Civil and criminal.	

Table showing the Number, Situation, and Description of all Prisons,

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV., c. 54.	7. Rep. Burgh Com.
2. ARGYLE, (continued.)	†TOBERMORY . .	Mull.	Lock-up house . .	Criminals . . .	Nil	Nil . . . .
,,	OBAN	32	There is no lock-up house.	Nil	Nil	Loc. Rep., part , p. 278; No gaol.
,,	†FORT WILLIAM, (locally in Inverness-shire.)	..	No prison . . .	Nil	Nil	Nil . . . .
3. AYR . . .	*AYR	..	County prison . .	Civil and criminal .	Page 19. Debtors' prison. Two day and 18 night rooms for males, 3 rooms for females. Criminal prison. Two day and 20 night rooms for males, and 1 day and 3 night-rooms for females; only classification in day-rooms is of debtors and criminals, males and females; airing-grounds. Sufficient in size, accommodation, and repair. Complete separation recommended.	Loc. Rep., part 1, p. 87. Gaol lately erected, but insufficient as to classification or separation; system of day-rooms bad.
,,	Ditto	..	Lock-up house . .	Criminal	Nil	Nil . . . .
,,	NEWTON-ON-AYR .	..	Ditto	Ditto	Nil	Nil . . . .
,,	IRVINE . . .	12	Burgh prison . .	Civil and criminal .	Page 22. Five apartments. Sufficient in size, accommodation, security, and repair. Erected 1745; addition in 1818. Salary of keeper, 30*l.*	Loc. Rep., part 2. Extremely incommodious and uncomfortable; accommodation insufficient for large district round, including Kilmarnock, &c.; part of gaol let as shops, which is censured.
,,	GIRVAN . . .	21	Barony lock-up house	Criminals . . .	Nil	Nil . . . .
,,	MAYBOLE . . .	9	Ditto	Ditto	Nil	Nil . . . .
,,	OLD CUMNOCK .	16	Barony lock-up house	Criminals . . .	Nil	Nil . . . .
,,	MAUCHLINE . .	12	Ditto	Ditto	Nil	Nil . . . .
,,	KATRINE . . .	14	Ditto	Ditto	Nil	Nil . . . .
,,	GALSTON . . .	16	Ditto	Ditto	Nil	Nil . . . .

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
4. 32. Very small, but tolerably good construction; two rooms: legalized for periods not exceeding 60 days, but seldom used for so long a time.	Unfit for purposes of separate system, but perhaps, with some additions, might be made so; never used beyond 60 days' imprisonment.	Should be in the mean time continued as a lock-up house.	Criminal.	ARGYLE, (continued.)
3. 67. A lock-up house for criminals at Oban. 4. 32. No place whatever at Oban for confinement of offenders. A small prison built 10 years ago, but not legalized, it being damp. A proper prison much wanted.	There is no lock-up house .	. . .	. . .	
4. 35. No prison. Room in the Fort (in Inverness-shire), formerly used as prison, but discontinued. Great want of a prison here.	Apprehended that a prison must now be erected for that district of Inverness-shire, to which sheriff-substitute of Argyle, at Fort William, should have power to commit. See Act 1 Will. IV., cap. 37, s. 14.		. . .	
3. 67. Three prisons wanted, one at each of the following places, viz.:— Lochgilphead, population about . . . . . . 1,500 Dunoon, ditto . . . . 4,000 Bowmore in Isla, ditto .16,000		NEW PRISONS. Prison of third class indispensable at Bowmore. Desirable also to have lock-up houses at Dunoon, Lochgilphead, and Oban; but county board prevented, by great expense, from recommending them at present.		
1. 28. Imperfect plan, but improveable. 3. 45. Improved. 4. 18. Farther improved, striking contrast to three years ago, but still improveable.	Sufficient, and has for four years been conducted on separate system.	May require some alterations, &c., but consideration deferred till proposal from Wigtonshire for a union be decided on. Should be the only prison for civil prisoners.	Civil and criminal.	AYR.
3. 45. Dry and secure, but ill ventilated.	Insufficient and incapable for purposes in No. 1. It is necessary as a lock-up house.	Further ventilation; to be furnishd with boards for prisoners to lie on.	Criminal.	
3. 45. Single room, 8½ ft. square; seldom required, moderately secure.	Insufficient and incapable; unnecessary, and may be discontinued.	Ventilation and boards, as above . .	Criminal.	
3. 51. Old; insecure; bad; no airing-yard. 4. 25. No alteration; entire new building necessary.	Insufficient and incapable for purposes in No. 1. Should be removed, and another prison erected on a new plan and site.	Should be discontinued as a debtor's prison. Consideration of alterations deferred till this done, and till proposal to Magistrates of Irvine, as to disposing of present prison to them, and building a new one of third class for criminals elsewhere, be disposed of.	. . .	
3. 44. Three rooms erected 10 years ago; apparently secure; used as a lock-up house. 4. 18. Same state; imperfect as it is, best in county, except Ayr prison.	Insufficient and incapable for purposes in No. 1, but necessary as a lock-up house.	Requires only a small repair; to be used for prisoners for 8 or 10 days.	Criminal.	
3. 44. Single cell; miserable place; insecure.	Ditto	To be repaired and divided at expense of about 35*l*., when it will be suitable as a lock-up house for prisoners for eight days.	Criminal.	
3. 47. A good small prison required; present one consists of single cell; insufficient.	Insufficient and incapable for purposes in No. 1, but necessary as a lock-up house.	Unsuitable, and should be disposed of. A new lock-up house of two cells necessary.	Criminal.	
3. 46. Two cells; insufficient. 4. 24. Same state; very little needed.	Insufficient and incapable for purposes in No. 1.	Ditto, ditto	Criminal.	
3. 47. Legal lock-up house, never used; another place constructed of two cells, but not legalized, and seldom used.	Insufficient and incapable for purposes in No. 1. but necessary as a lock-up house.	To be discontinued	. . .	
3. 48. Two small cells, tolerably secure. 4. 24. Quite insufficient; proper prison necessary.	Ditto	Proposed to fit up an adjoining apartment in addition. Population now nearly 2,400.	Criminal.	

Table showing the Number, Situation, and Description of all Prisons,

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
3. AYR (continued.)	NEWMILLS . . .	18	Ditto	Ditto	Nil	Nil . . . .
,,	STEWARTON . .	18	Ditto	Ditto.	Nil	Loc. Rep. part 3. Lock-up house, the private property of Mr. Cunningham the superior.
,,	KILMARNOCK . .	12	Ditto	Ditto	Nil	Loc. Rep. part 2, p. 139. Guard-house, part of town property.
,,	KILMAURS . . .	14	Ditto	Ditto	Nil	Nil . . . .
,,	KILWINNING . .	15	Ditto	Ditto	Nil	Nil . . . .
,,	SALTCOATS . . . Parish of Ardrossan.	18	Ditto	Ditto	Nil	Nil . . . .
,,	DALRY	20	Ditto	Ditto	Nil	Nil . . . .
,,	BEITH	24	Ditto	Ditto	Nil	Nil . . . .
,,	LARGS	32	Ditto	Ditto	Nil	Nil . . . .
,,	PRESTWICK . .	3	Ditto	Ditto	Nil	Nil . . . .
4. BANFF . .	*BANFF	..	Burgh prison . .	Civil and criminal .	P. 23. Four apartments, two civil and two criminal. Insufficient in size and accommodation; security as good as situation admits of.	Loc. Rep. part 1, p. 101 114. Accommodatio bad, prison unhealth and insecure.
,,	CULLEN . . .	14	Burgh prison, or lock-up house.	Used merely as a lock-up.	P. 36. Three apartments used as lock-up house, and quite adapted for the purpose.	Loc. Rep. part 1, p. 167 Lock-up house of thre apartments, no airin ground, or means c warming.
,,	MACDUFF . . .	1½	Lock-up house . .	Criminals . . .	Nil	Nil . . . . .
,,	KEITH	20	Ditto	Ditto	Nil	Loc. Rep. part 3. Ins cure.

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
3. 47. Two rooms. Private property of the Marquess of Hastings, used as a lock-up house; tolerably secure. 4, 24. Same state.	Insufficient and incapable for purposes in No. 1, but necessary as a lock-up house.	If it passes to the Board, should be made secure, and repaired, which may be done at small expense. If not, a new small lock-up house seems to be necessary.	Criminal.	AYR, (continued.)
3. 49. One damp, ill-ventilated, cold cell; private property of a gentleman; tolerably secure; very little used.	Private property. Insufficient, and incapable for purposes in No. 1. A lock-up house necessary.	Delay opinion, until determined whether it passes to the Board.	. . .	
3. 48. No other prison than three police cells in ground floor of town house, dry and clean, but ill-ventilated; dark and cold; no airing-yard. 4. 25. Altogether unsuitable and inadequate.	Insufficient and incapable for purposes in No. 1. Should be removed and another prison erected on a new plan and site.	Should be discontinued and disposed of, and new prison built, of which plan transmitted. Opinion of General Board requested thereon.	Criminal.	
3. 49. Single cell; tolerably secure; very little used.	Insufficient and incapable for purposes in No. 1. Necessary as a lock-up house.	Sufficient, but small repairs necessary.	Criminal.	
3. 50. A vaulted room in an old abbey, property of Lord Eglinton; secure and dry, but cold. 4. 27. Same state.	Ditto	Additional apartment should be got if possible, or if not, present room divided into two. Lock-up house here necessary.	Criminal.	
3. 52. Single cell in town-house; erected a few years ago; secure; seldom used. 4. 27. No change except more dirty.	Private property. Insufficient and incapable. A lock-up house necessary; prison very bad, and a new one should be erected.	New lock-up house of two cells necessary, which may do for Ardrossan and Stevenston.	Criminal	
Nil	Private property. Insufficient and incapable for purposes in No. 1, but a lock-up house necessary.	Present prison only hired. New lock-up house necessary.	Criminal.	
3. 50. Single small cell in town-house; dry; ill-ventilated; seldom used.	Insufficient and incapable for purposes in No. 1, but a lock-up house necessary.	New small lock-up house necessary, which, along with Dalry, may serve also for Kelburne.	Criminal.	
3. 53. Single cell; in every respect ill suited for its purposes.	Private property. Insufficient, and incapable for purposes in No. 1, but a lock-up house necessary, and a new one should be erected.	Present prison ought to be given up to Sir Thomas Brisbane, in consideration of a site offered by him for a new lock-up house, which should be built.	Criminal.	
3. 45. Between two and three miles from Ayr; little need for a prison; one room; a closet off the parish school; seldom used.	Insufficient and incapable. Unnecessary, and may be discontinued.	Sufficient in the mean time	Criminal.	
Note. 3. 53. Ayr, good; Girvan, Mauchline, and Newmills, may, with some alterations, be made tolerably good. The others should be all replaced by new ones, except Newton, which may be dispensed with. New prisons wanted at Ardrossan, Dalry, Muirkirk, Stevenston.				
1. 32. Bad. 2. 39. Not susceptible of much improvement. 4. 54. Improved, although still very unsuitable.	Insufficient, and doubted if it could be made available for the end in view, on present site. If it cannot be rendered sufficient, another prison is indispensably required on a new plan and site. Cannot be discontinued.	To be continued in the mean time; certain repairs in ventilation, cleaning, erection of iron in place of wooden beds, have been executed.	All prisoners, civil and criminal.	BANFF.
1. 37. Mere lock-up house; although new, bad; three cells.	Insufficient and incapable, very bad even as a lock-up house, but necessary; should not be discontinued; ought to be, and is capable to a limited extent of being materially improved.	Third class prison to be built . . .	Criminals for short periods.	
1. 67. Single room; bad; insecure. 4. 55. No change.	1. 2. 3. Answered negatively; necessary, and ought to be improved.	To be discontinued		
2. 41. One vaulted room; ground floor, of town-house; secure; in other respects ill suited, seldom used.	Ditto	Third class prison to be immediately built on new site.		

Table showing the Number, Situation, and Description of all Priso

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
BANFF (continued.)	DUFFTOWN	..	Lock-up house or barony prison.	Criminals	Nil	Nil
,,	PORTSOY	8	Lock-up house	Ditto	Nil	Nil
,,	TOMINTOUL	50	Ditto	Ditto	Nil	Nil
5. BERWICK	*GREENLAW	..	County prison	Civil and criminal	Page 37. Twenty-one apartments, erected in 1824, under 59 Geo. 3, c. 61. Sufficient in size, accommodation, security, and repair; airing grounds.	Nil
,,	DUNSE	8	Lock-up house	Criminals	Nil	Nil
,,	AYTON	18	Ditto	Ditto	Nil	Nil
,,	COCKBURNSPATH	20	Ditto	Ditto	Nil	Nil
,,	COLDSTREAM	10	Ditto	Ditto	Nil	Nil
,,	LAUDER	11	Burgh prison	Civil and criminal	Page 39. Three apartments; found sufficient in size, accommodation, and repair; not security; seldom used, prisoners being sent to Greenlaw. No airing ground.	Loc. Rep. part 2, p. 20 Insufficient, except a temporary lock- house, for which pu pose only it should used; county gaol Greenlaw being on eleven miles distant.
,,	EARLSTON	10	Lock-up house	Criminals	Nil	Nil

ols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
. 41. Open and airy situation, and apart from other buildings; two cells; not very secure; seldom used; but useful.	1. 2. 3. Answered negatively; necessary, and ought to be improved.	To be converted into third class prison .	Criminals for short periods.	BANFF, (continued.)
. 40. One vaulted room, almost never used, but not for want of offenders.	1. 2. 3. Answered negatively; it is necessary.	To be discontinued, and a third class prison built at Aberchirder.		
Nil.	Ditto. Of recent erection, and may do well enough for a lock-up house. On account of great distance from Banff, it is worthy of consideration, whether or not a place of greater dimensions and security might not be expedient.	To be improved, and rendered a third class prison.		
. 18. Substantial, but plan bad; cells too small for work, and facility of communication between them.	Insufficient. Considerable alterations and additions requisite to admit, in a moderate degree, of the separate system. Gaol is clean, dry, and compact, and of recent erection, and might be useful for short periods of imprisonment.	If the proposed junction with Roxburghshire, &c., for having a prison of the first class at Jedburgh takes place, it is proposed to make Greenlaw gaol a prison of the second class. At present it does not admit of classification or separation of prisoners, except by confinement in the sleeping cells. Reference is made to the excerpt minutes of the County Prison Board, 19th August, 1840, requesting the assistance and advice of the Inspector of Prisons.	Civil and criminal.	BERWICK.
. 20. Small lock-up house; one room damp, another dry; insecure.	Insecure. Windows level with street; one cell; cannot be enlarged or much improved, and is unsuitable for imprisonment of shortest periods. The county gentlemen obtained a legal opinion that the lock-up houses were not legal prisons. Desirable to have lock-up houses legalized, and periods of imprisonment indicated. There should be a small gaol built in Dunse for the confinement of persons sentenced to short periods of imprisonment.	A lock-up house or small gaol is required for Dunse. It is proposed to erect a new lock-up house at Dunse, of the size of No. 2, of the model plans, the present one being totally inefficient. The site for a new lock-up house has not yet been finally fixed upon, but it is in contemplation to purchase a piece of ground situated in a retired part of the town, which it is thought will be a very eligible situation.	Criminals; to be legalized for short periods of imprisonment, say seven or fourteen days.	
. 20. Mere lock-up house; not legalized; ill constructed, and ill situated; insecure.	Insecure, and in bad repair, and a new one required. An efficient lock-up house is essentially necessary at Ayton or Cockburnspath. Ayton is the proper place for said building.	A lock-up house will also be required for Ayton, the present one being very insecure and badly placed, being flush with the principal street, and the window of the largest cell opening to the street. There is a long strip of ground behind the present lock-up house; and it is proposed to build the new one at the top of it. It will then admit of being surrounded by a wall, and will stand quite apart from the street.	Criminals.	
. 21. Lock-up house, wretched damp hovel in churchyard; insecure; seldom used.	A wretched damp hovel. A new lock-up house upon a moderate scale much required. Could not well be dispensed with.	The present lock-up house is quite useless, and falling into ruins; the situation is bad. A new lock-up house is required here, but a site has not as yet been fixed upon. A prison of the size of No. 1 of the model plans will be sufficient.	Criminals.	
. 21. Used merely as a lock-up house, but one of the best prisons of its size in Scotland; tolerably secure; built by county, but on the land of the superior.	Tolerably secure, and if declared a lawful prison, might answer every necessary purpose.	The present lock-up house is quite sufficient, and requires little or no repair; but the walls surrounding the court to be raised, and rebuilt where decayed, and protected by a *chevaux-de-frise.* A new gateway to be made.	Criminals.	
. 17. Seldom used except as a lock-up house; bad and insecure.	Insecure; and can neither be enlarged nor improved so as to render it efficient. A good lock-up house is much wanted, seldom used otherwise.	A lock-up house only required. A report has been received from Sir A. Maitland, that the present prison may be improved, so as to render it efficient; but the Board have not yet determined whether they will make such alterations, or erect a new one. It is proposed that this prison shall no longer be a place of confinement for debtors, as it has been hitherto, but a mere lock-up house for short periods of imprisonment.	Criminals.	
. 22. Should be replaced by better prison. Note. 3. 22. No additional prisons appear to be wanted; but those at Dunse, Lauder, Cockburnspath, and Earlston, should be replaced by better prisons. Considerable alterations necescessary on prison at Ayton.	Inefficient. The district is large, and a new lock-up house much wanted.	A new lock-up house is necessary at Earlston, as the present one is not sufficient, or in good repair. The present site will not answer. No additional prisons are required in the county of Berwick.	Criminals.	

Table showing the Number, Situation, and Description of all Prison

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
6 BUTE	Rothsay Isle of Bute.	..	Burgh prison	Civil and criminal	Page 42. Justices report four apartments, insecure, insufficient in all respects; ought to be entirely rebuilt on new plan and different site. Magistrates report, p. 49. Sufficient.	Loc. Rep. part 2, p. 367 Salary of gaoler 15*l*. Gaol built under Ac 1 and 2 Will. IV. c. 34.
,,	Brodick In Arran.	..	Barony prison, but doubted if a legal one.	Nil	Nil	Nil
7. CAITHNESS.	Wick	..	Burgh and county prison.	Civil and criminal	Nil	Loc. Rep. part 2, p. 436. Gaol new, deemed sufficient, apparently healthy, but no airing grounds.
,,	Thurso	20	Nil	Nil	Nil	Nil
8. CLACKMANNAN.	*Alloa	..	Barony gaol fitted up as lock-up house at expense of county.	Criminals	Page 50. No prison in county except barony prison at Alloa, ruinous; Act of Parliament 55 Geo. III., c. 119, authorizes Stirling gaol to be used; and Justices think it ought to continue so.	Nil
9. DUMBARTON.	*Dumbarton	..	County prison	Civil and criminal	Page 52. Fifteen apartments, sufficient in size, accommodation, security, and repair; site admits of enlargement.	Loc. Rep. part 1, p. 199. Old prison sold.
,,	Kirkintilloch	..	Lock-up house	Criminals till transported to Dumbarton, and persons accused of petty offences before the bailie.	Nil	Loc. Rep. part 3. Burgh property comprehends a gaol.
,,	Helensburgh	..	Ditto	Ditto	Nil	Nil
10. DUMFRIES.	*Dumfries	..	County and burgh prison.	Civil and criminal	Page 58. Fifteen apartments, quite insufficient in size and accommodation, sufficient in security and repair; present site too limited for enlargement.	Loc. Rep. part 1, p. 214. Not conveniently arranged for classification; not well kept.
,,	Annan	16	Burgh prison	Ditto	Page 57. Seven apartments erected 1722. Insufficient, and new gaol required; general plan of gaol should be enforced by legislature.	Loc. Rep. part 1, p. 63. Gaol bad; no resident keeper; no means of classification or separation.

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
3. 68. Almost new. Cost about 2,000*l.*, construction better than generality of prisons, and will readily admit of good system of discipline; 14 cells and two airing yards; slight improvements wanted.	The prison is strong and substantial, but by no means secure. Might be made tolerably secure by slight alterations, and almost quite secure by the removal of adjoining buildings. Not capable of separate system, but might be rendered so.	To be improved according to report by Mr. Brebner, contained in report of committee of Prison Board of 2nd July, 1840. Water pipes to be altered; walls rough cast with lime; chimnies to be contracted; inspection slides; hammocks instead of beds, &c.	Civil and criminal.	BUTE.
Nil	Unfit for a prison, and never can be rendered fit; a miserable closet called "John Bowie's Hole," entering from lobby of Brodick Castle.	A new lock-up house should be erected with two cells, and keeper's house, conform to plan No. 1.	Criminal prisoners.	
Note. 3. 71. Two additional prisons required, one in Arran at Lamlash, or Brodick, and one at Millport in Cumbray.	Note. Two lock-up houses wanted, each of two or three apartments, and keeper's house, viz. one at Brodick, and one at Millport in Mickle Cumbray.			
2. 52. About eight years old; cost 1,200*l.*; substantial, easily altered.	Erected in 1828, on design by Mr. Reid; not sufficient for first mentioned purposes, though pretty extensive; but believed that it can be rendered fit; necessary.	To be made a first class prison. The day-rooms to be divided each into two cells, and an additional wing to be built, containing a debtor's prison, and keeper's residence.	Civil and criminal.	CAITHNESS.
2. 51. Small room used as lock-up house, hired by county; ill suited to its purposes; insecure.	After minute inquiry, satisfied that there is no legal prison at Thurso.	A lock-up house of three cells to be built at Thurso, with accommodation for a keeper.	Criminal prisoners under examination, and sentenced to short periods of imprisonment.	
Note. 2. 54. Two prisons wanted, viz. small one at Lybster, 13 miles from Wick; a good small prison at Thurso.	Note. A proper lock-up house at Thurso much wanted.			
2. 99. Very bad; belongs to the Earl of Mar; altered and repaired six years ago at expense of county; three cells tolerably dry. 4. 95. No change. Note. 4. 95. Two new prisons wanted, viz., one at Alloa, and one at Tullycoultry.	Contains three cells; is incapable of being converted into a common gaol for county. It is necessary as a lock-up house; and although probably expedient that gaol of Stirling should continue to be the common gaol of Clackmannan, under 55 Geo. III., c. 109, the lock-up house should be improved and enlarged, or a new building of moderate size erected for persons committed for trial, and short imprisonments.	Desirable that the county of Clackmannan should continue its Union with Stirling, or form a new Union with Edinburgh, if a supplementary Act, enabling this to be done, shall pass. Present lock-up house should be improved and enlarged, if found practicable at less expense than a new lock-up house, so as to render it sufficient for the purposes required by the General Board. Delay further proceedings until opinion of General Board be known.	Criminal prisoners under examination, and sentenced to very short periods of imprisonment.	CLACKMANNAN.
1. 37. Of recent erection, but bad, insecure. 4. 136. 140. Little changed; may do for purposes required with slight alterations.	Incapable of admitting of separate system; no means for labour; capable of being rendered sufficient by an additional building, and sufficient space for it.	The County Board, in their minutes of 20th May, 1840, resolve that it is expedient to form a Union with the county of Lanark, under the 52d section of the Act; and in a letter from the clerk to the County Board, dated 29th June, it is stated that no specific return to the table of prisons can be made, until the negotiations for such Union are in a more forward state.	. . .	DUMBARTON.
2. 104. Very small; part of town-house; built 24 years ago. Moderately dry, and ventilated; tolerably secure.	No means of individual separation or labour, or instruction; prison may be enlarged if necessary.			
4. 140. Nil	Ditto			
Note. 4. 140. No other prisons wanted in this county.				
2. 115. Built thirty years ago; site and construction bad; lower part damp; communicates with street; 54 rooms and cells; may be altered, but cannot be made a good prison. 3. 28. Some alterations made. 4. 2. Although still defective and incapable of being made good, considerably improved. Eleven new cells constructed out of four rooms.	Sufficient as regards security; insufficient as regards system in No. 1, and not capable of being rendered sufficient without being rebuilt.	For criminals 52 apartments, and two for civil prisoners; of the former four used as work rooms, and 12 so dark that they can be only used as sleeping rooms; thus only 36 cells fit for separate system; cells so arranged that impossible to prevent communication. Upon the whole, defects so great that they cannot be remedied but by an entirely new gaol, or by a great addition to present buildings, neither of which is recommended under existing circumstances. Mr. Hill's suggestions of 11th September, 1839, recommended for adoption.	Civil and criminal.	DUMFRIES.
3. 25. Used as a lock-up house; old and bad; five rooms. 4. 1. A little improved.	Insufficient and insecure, and incapable of being made sufficient for system in No. 1. New prison required.	Should be disposed of as provided by the Act, and a proper lock-up house erected in its stead, in some convenient part of the burgh.	Criminal.	

Table showing the Number, Situation, and Description of all Prisons

1.	2.	3.	4.	5.	6. Rep. 10, Geo. IV., c. 54.	7. Rep. Burgh Com.
DUMFRIES, (continued.)	SANQUHAR	27	Burgh Prison	Civil and Criminal	Page 62. Three apartments, utterly insufficient in size, accommodation, security, and repair. If good prison at Dumfries, only lock-up houses wanted at Sanquhar, Annan, and Lochmaben.	Loc. Rep. part 2, p. 391. Gaoler's fees and allowance for prisoners in 1832, 6*l*. 9*s*. 6*d*.
,,	LOCHMABEN	8	Ditto	Ditto	Nil	Loc. Rep. part 2, p. 234. Unfit for permanent detention of prisoners; only two apartments; no gaoler's house.
,,	LOCKERBY	12	Lock-up house	Criminals and vagrants.	Nil	Nil
,,	MOFFAT	..	Ditto	Ditto	Nil	Nil
,,	LANGHOLM	30	Barony prison and lock-up house.	Petty burgh delinquents.	Nil	Nil
11. EDINBURGH	*CALTON	..	Burgh prison	Civil and criminal	Page 64. Sufficient in size, accommodation, security, and repair for criminals, but insufficient for debtors.	Loc. Rep. part 1, p. 306. Reference to preamble of 53 Geo. III. c. 77. Cost above 30,000*l*. Seven day rooms, with airing yards, and 54 sleeping cells; accommodation insufficient; three or four in one cell; classification defective; want of means for work.
,,	,,	..	Bridewell, county and burgh prison	Criminals	Nil	Loc. Rep. part 1, p. 306. Established in 1790; cost 11,794*l*. Fifty-two working cells and 144 sleeping rooms.
,,	CANONGATE	..	Burgh prison	Civil	Page 65. Insufficient in size and accommodation; in bad repair; requires to be rebuilt, but present site does not admit of enlargement, or of airing grounds.	Loc. Rep. part 1, p. 306. Ancient structure; used only for debtors; property of city of Edinburgh; hall and eight rooms.
,,	ABBEY	..	Barony prison	Civil and criminal	Nil	Nil
,,	BEHIND PARLIAMENT HOUSE.	..	Lock-up house	Criminals	Page 65. Sufficient in security and repair, but from want of debtors' prison, insufficient in size and accommodation.	Loc. Rep. part 1, p. 306. Seven cells; accommodation insufficient; new lock-up house being built.
,,	OFF HIGH STREET	..	Police prison.	Police prisoners before trial, and for periods not exceeding 10 days.	Nil	Nil
,,	LEITH	1	Under jurisdiction of magistrates.	Civil and criminal	Page 65. Old gaol pulled down in 1824, and new gaol built by magistrates of Edinburgh, but not yet legalized.	Loc. Rep. part 2, p. 222. Prison built in 1822, at expense of city of Edinburgh, but never legalized, on account of objection to its security; no use made of the building.

aols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
3. 27. Very bad; very seldom used; two rooms.	Insufficient and insecure, and incapable of being made sufficient for system in No. 1. New prison required.	Insufficient and insecure, but with some alteration may be made fit to be used as a temporary lock-up house.	Criminal.	DUMFRIES, (continued.)
3. 26. Very old and very bad; three rooms; insecure.	Ditto	Insufficient and insecure, but could at small expense be rendered suitable for a lock-up house, with dwelling for the keeper, being all that is necessary.	Criminal.	
3. 26. Formed six years ago out of an old ruin; two rooms; imperfect.	Sufficient for the purposes for which it is used.	. . .	. . .	
Nil	Ditto	. . .	. . .	
3. 25. Private property of Duke of Buccleuch; part of town-house; site good, but ill-constructed; seldom used. Three cells; insecure. Note. 2. 117. Four small additional prisons wanted at Thornhill, Moffat, Ecclesfechan, and Springfield.	Ditto	. . .	. . .	
2. 119. No effectual means of separation; secure. 3. 101. Bad construction. 4. 152. A little improved, but construction bad. Association of prisoners, and insubordination.	Does not afford sufficient means of separation even for a smaller number than are usually confined. A great many alterations required.	The prison and bridewell conjoined as one prison, under the name of the Prison of Edinburgh. Insufficient in point of size, and unsuitable for the system of discipline required by the Act. The Board have, in consequence, remitted to Mr. Brown, architect, to report as to the capability of being improved and enlarged.	All classes of civil and criminal prisoners.	EDINBURGH.
2. 123. Built 40 years ago; cost between 10,000*l.* and 12,000*l.*; 52 working cells, and 129 sleeping cells; secure, though very imperfect in construction; on a better plan than any prison in Scotland built so long ago, and with minor alterations may be so far improved as to become suitable for a moderately good system. 3. 100. New wing, 20 additional cells; no other change. 4. 140. No alterations of importance.	With some alterations is capable of being rendered sufficient for separate system.	See Remarks on Calton Prison . . .	All classes of civil and criminal prisoners.	
2. 126. Small old prison used for debtors, which might, with advantage, be given up altogether.	Insufficient, as no airing grounds can be attached; perhaps now unnecessary, and may be discontinued. Intended for some years to be given up, and a separate prison for debtors built.	Suppressed, as being unnecessary . .	. . .	
Nil.	Sufficient for the purposes for which it is used.	Sufficient, and continued	. . .	
2. 123. Intended to be pulled down; little better than a moral pest-house, young and old being crowded together in idleness and corruption. No airing yard, no means of warming.	Should be discontinued, and intended to be so.	Inadequate, and ordered to be discontinued.	.	
2. 127. Ill-suited to police purposes; fifty-one rooms and cells; bad ventilation; secure; no employment for prisoners.	Insufficient; another prison required.	Insufficient; better accommodation required, and in contemplation of being procured, by an arrangement with the Police Board.	. .	
3. 84. Never legalized or used as is believed, on account of insecurity of that part intended for debtors, which is the largest portion; floors of wood, and ceilings of lath and plaster. Four sleeping rooms and one day room for debtors. Two sleeping cells, and one day room for criminals. These rooms and cells in upper floor of town-house.	Insufficient and insecure, and therefore it has never been sanctioned or used.			

Table showing the Number, Situation, and Description of all Prison

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
EDINBURGH, (continued.)	LEITH	..	Police prison . .	Police prisoners only	Nil	Loc. Rep. part 2, p. 222. Damp, cold, and unhealthy.
,,	MUSSELBURGH .	6	Under jurisdiction of magistrates.	Civil and criminal .	Page 67. Sufficient for purposes for which used; greatest number of prisoners in each year four to seven.	Loc. Rep. part 2, p. 247. Property of town comprehends gaol and gaoler's house.
,,	DALKEITH . . .	6	Baron's prison . .	Criminals for a night, or short imprisonment.	Page 68. Sufficient in size, accommodation, security, and repair; greatest number of prisoners in each year three to five.	Nil . . . . . .
,,	LASSWADE . .	6	Ditto	Ditto	Nil	Nil . . . . . .
,,	PENNYCUIK . .	9	Ditto	Ditto	Nil	Nil . . . . . .
12. ELGIN . .	*ELGIN	..	County and burgh prison.	Civil and criminal .	Page 77. Four apartments; no classification; insufficient as to size, accommodation, and repair, but secure; ought to be rebuilt and enlarged; present site does not admit of enlargement or airing ground. General plan of gaols recommended.	Loc. Rep. part 1, p. 426. Property of burgh comprehends gaol.
,,	FORRES . . .	12	Burgh prison. . .	Civil and petty delinquents principally.	Page 80. Three apartments, insufficient in size, accommodation, security, or repair. Ought to be rebuilt and enlarged; present site does not admit of enlargement or airing ground.	Loc. Rep. part 1, p. 450. Gaoler has salary of 12*l*.
,,	FOCHABERS . .	9	Nil	Nil	Nil	Nil . . . . . .
13. FIFE . .	*1. CUPAR . .	..	County and burgh prison.	Civil and criminal .	Page 84. Sixteen apartments; gaol nearly new; not sufficient in size, accommodation, or security; cold and damp; no proper airing grounds; may be enlarged on present site.	Loc. Rep. part 1, p. 185. Gaol exceedingly bad, particularly part for criminal prisoners; cold, damp, dark, ill ventilated; debtors' part more comfortable.
,,	2. ST. ANDREWS.	10	Burgh prison . .	Ditto	Page 99. Four apartments; no airing grounds. With small addition, sufficient in size, accommodation, security and repair.	Loc. Rep. part 2, p. 378. Gaoler.

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
3. 848. Police cells, and one room for vagrants in county hall; built 10 years ago; not upon a good construction; ill-ventilated and damp; tolerably secure.	Cells ill-constructed and ill-ventilated; new police prison therefore required.	The Board, being desirous to act on the principle of affording to all prisoners the benefit of the separate system, which, they are of opinion, can best be obtained in a large gaol, such as the Prison of Edinburgh, have delayed making particular inquiries respecting the state of these minor gaols, until it be ascertained whether the Prison of Edinburgh may not be so enlarged as to contain all the classes of prisoners formerly confined in these gaols, excepting those for very short periods of imprisonment. As far, however, as their information extends, the Board have reason to concur in the answers in regard to the state of these prisons, given under the ninth head of this schedule. Provided the Prison of Edinburgh is so enlarged, the Board are of opinion that all of these minor prisons, situated in the rural districts, including Musselburgh, should be considered as mere lock-up houses.	. . .	EDINBURGH. (continued.)
3. 87. First and second stories of town-house; building old, and not well situated to its purposes; part insecure.	Unable to answer queries from recent observation, but believes prison should be rebuilt, and perhaps in another situation.			
3. 87. Two rooms and a cell in building used as Justice of Peace Court; old; ill adapted to its purposes; in main street, and impossible to prevent communication with persons outside.	Consists of a black-hole, and two large and comfortable cells looking to street. New prison not at present required, so long as this continues merely a baron's prison.			
3. 86. Formed out of the tower of an old church. Two cells not secure; clean, dry, and tolerably ventilated. Only used as a lock-up house.	No examination or inquiry made recently, but believed that material alterations are required.			
3. 86. Single cell on ground floor of an old church tower, adapted to its present purpose about seven years ago; damp, dirty, and insecure.	Ditto			
Note. 4. 163. Alterations required on such of the Edinburgh prisons as may be retained. Prison of Musselburgh must be rebuilt, or considerably altered. New set of police cells wanted at Leith; and new small prisons required at Dalkeith, Lasswade, Pennycuick, Portobello, and Mid-Calder.				
1. 41. Old and very ill suited to its purposes; very insecure. 2. 42. Waste of money to improve it; Act obtained some time ago to build new prisons at Elgin and Forres. 4. 52. Nearly in the same state, but cleaner.	Tower in the street of four apartments; insufficient, ruinous, and incapable of being made sufficient; a new prison immediately required on a new site, and about to be built.	The existing prison to be abolished as soon as possible. A new prison resolved to be built, of the size of No. 6 of Board's plans.	Prisoners of all descriptions.	ELGIN.
1. 47. Very insecure; insufficient; about to be pulled down. 2. 43. Old prison pulled down, and temporary prison fitted up, which will serve very well. 4. 50. Temporary prison used; but new prison required.	Temporary prison; incapable of being made a proper prison; a new prison required, and about to be built upon a different site.	New prison, of three or four apartments, to be built.	Civil debtors and criminals only, till they can be transmitted to county prison at Elgin, and police delinquents.	
1. 47. Lock-up house, the property of the Duke of Gordon; single room; damp and cold; insecure.	Nil	Lock-up house required	. . .	
Note 2. 54. New prisons required at Elgin and Forres. No others necessary.		Lock-up houses at three or four villages (Rothes, Lossiemouth, Findhorn, and Burryhead) will be required.		
2. 82. Erected 20 years ago, at a cost of about 3,000*l*.; site and construction so very bad, that impossible, by any alteration, to make it even tolerably suitable. 4. 86. Same state; little work, little separation, and no instruction, but clean.	Insufficient for system of separation, and incapable of being rendered sufficient. New prison necessary, on a dry and more airy site.	1. A first-class prison, for 60 prisoners, is required for the county. The present prison of Cupar is insufficient, and incapable of being rendered so. It should be disposed of, and a new one erected on a different plan and site.	All descriptions of prisoners.	FIFE.
2. 84. Part of town-house; three rooms; no airing yard; only moderately secure; tolerably well ventilated, and clean.	Insufficient for system in No. 1; unnecessary as a large prison, if a new prison is erected at Cupar; but ought to be preserved as a lock-up house.	2. Present prison to be discontinued, and in lieu thereof, a lock-up house, of four cells and keeper's apartments, to be erected on a suitable site. Present prison to be disposed of.	All descriptions of prisoners, excepting the five classes specified in the declaration and order of the General Board, dated 12th September, 1840; but convicted prisoners not to be detained therein for more than eight days.	

Table showing the Number, Situation, and Description of all Prison

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV., c. 54.	7. Rep. Burgh Com.
13. FIFE . . . (continued.)	3. Crail . . .	..	Burgh prison . .	Criminals . . .	Page 104. Three apartments; insufficient.	Loc. Rep. part 1, p. 16 Prison untenanted little crime.
,,	4. Kilrenny .	..	Ditto	Ditto	Page 105. Three apartments, and doubtful if legal.	Nil . . . . .
,,	5. Anstruther Easter.	..	Ditto	Ditto	Page 105. Two apartments; insufficient.	Loc. Rep. part 1, p. 6 No proper gaol.
,,	6. Anstruther Wester.	..	Ditto	Ditto	Page 105. One apartment for criminals; insufficient.	Nil . . . . .
,,	7. Pittenweem .	..	Ditto	Civil and criminal .	Page 105. Three apartments; nearly sufficient; no airing ground.	Loc. Rep. part 2, p. 32 Nil.
,,	8. Earlsferry .	..	Ditto	Criminals . . .	Page 105. Two apartments; insufficient.	Loc. Rep. part 1, p. 27 The property of burg comprehends a gaol.
,,	9. West Wemyss	..	Barony prison . .	Ditto	Nil	Nil . . . . . .
,,	10. Dysart . .	..	Burgh prison . .	Civil and criminal .	Page 95. Four apartments; little room for classification; no airing ground, nor can it be acquired; quite sufficient, for proper purpose, in size, accommodation, security, and repair.	Loc. Rep. part 1, p. 27 Gaoler and gaol fees
,,	11. Kirkaldy .	..	Ditto	Ditto	Page 91. Twelve apartments, six for criminals, six for debtors; built only two years ago; airing ground; more than due share of prisoners sent to it; insufficient as to accommodation; otherwise sufficient, except that house required for keeper, and wall of airing ground raised.	Loc. Rep. part 2, p. 15 There is a good ga in this burgh.
,,	12. Kinghorn .	..	Ditto	Ditto	Page 98. Two apartments; sufficient for proper purposes in size, accommodation, security, and repair.	Loc. Rep. part 2, p. 15 Very good small ga with airing yard.
,,	13. Bruntisland.	..	Ditto	Ditto	Nil	Loc. Rep. part 1, p. 14 Small and incomm dious; but clean, a seldom used.
,,	14. Inverkeithing	..	Ditto	Ditto	Page 89. Two apartments; no airing ground; perfectly sufficient in size, accommodation, security, and repair, for purposes required.	Loc. Rep. part 2, p. 9 Salary of gaoler, 20

aols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
. 85. Two rooms, forming part of a steeple; not very secure.	Insufficient as above, and unnecessary as a large prison, but useful as a lock-up house.	3. This prison to be wholly discontinued, so soon as the intended lock-up house is erected in East Anstruther. Present prison to be disposed of.	. . .	FIFE. (continued.)
. . 87. Kilrenny, Anstruther Easter, Anstruther Wester, although forming one undivided town, has each its separate prison; all very bad ones; the best in Anstruther Easter, a single cell; all very old, and little used.	Ditto	4. The same	. . .	
. 87. Ditto	Insufficient as above, but useful as a lock-up house.	5. A lock-up house, to contain four cells and keeper's apartments, to be erected here, in lieu of the present prison, and of the prisons of Crail, Kilrenny, and Pittenweem. Present prison to be disposed of.	Same as St. Andrews.	
. 87. Ditto	Unnecessary, and ought to be discontinued.	6. This prison to be wholly discontinued, so soon as a lock-up house is provided in East Anstruther. Present prison to be disposed of.	. . .	
. 88. Much the best in this neighbourhood; forms part of town-house, which is a new building in the outskirts of the town; prison consists of three rooms, dry and secure, but cold; no airing yard; no resident keeper.	Insufficient as above, but useful as a lock-up house.	7. The same	. . .	
. 89. Single cell; damp, cold, ill ventilated; secure. Several years since it was used as a place of confinement.	Ditto	8. This prison to be wholly discontinued, so soon as the intended lock-up house is erected in Colinsburgh. To be disposed of.	. . .	
Nil.	Ditto	9. This prison to be wholly discontinued. To be disposed of.	. . .	
. 89. Two rooms in town-house; old building, dry, but not very secure; no resident keeper; quite unsuitable as a prison.	Ditto	10. Present prison to be discontinued and disposed of, on intended lock-up house being erected at St. Clairtown.	. . .	
. 90. The best in Fifeshire; a good prison compared with those in most other places; 12 cells, some of them requiring improvement; secure and substantial, but requires resident keeper. 4. 88. No change.	Insufficient as above; erected in 1827; has six apartments for criminals, and six for debtors. In a dense population; and, being so lately erected, and having some good cells, may be continued. If rebuilt, it would require new site.	11. This prison to be continued; it requires certain alterations.	All descriptions of prisoners, till new county prison be built, excepting civil prisoners, when this prison may be limited to same class of prisoners as St. Andrews.	
. 93. Part of town-house, which is a new building; two cells, intended chiefly for police purposes, with airing yard; substantial and secure.	Insufficient as above, but useful as a lock-up house.	12. This to be continued as a lock-up house of two cells; some small alterations needed to make it complete.	Same as St. Andrews.	
. 91. Very small and very old; part of town-house; one cell divided into two; no airing yard; only moderately secure; no resident keeper.	Ditto	13. This to be continued as a lock-up house; but certain alterations needed to give three cells and keeper's apartments.	Ditto.	
. 94. Part of town-house, built in 1770; three rooms, without airing yard; insecure.	Ditto	14. This to be continued as a lock-up house of two cells; it requires certain alterations to complete it.	Ditto.	

Table showing the Number, Situation, and Description of all Prisons,

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
13. FIFE . . . (continued.)	†15. **Dunfermline**	..	Burgh prison . .	Civil and criminal .	Page 88. Five apartments; no airing ground; sufficient in size, accommodation, security, and repair, for purposes required; but, in case of long confinements, heating necessary.	Loc. Rep. part 1, p. 269. Accommodation inadequate; classification impossible; being in principal thoroughfare, unsafe, and affords means of communication; devoid of improvements conducive to cleanliness and health.
,,	16. **Falkland** .	10	Ditto	Ditto	Page 107. Two apartments, tolerably secure; good enough as a lock-up house.	Loc. Rep. part 1, p. 438. Gaoler.
,,	17. **Auchtermuchty.**	9	Ditto	Ditto	Page 108. Four apartments; sufficient as a lock-up house.	Loc. Rep. Nil. . .
,,	18. **Strathmiglo**	..	Ditto	Criminal	Nil	Nil . . . . . .
,,	19. **Newburgh** .	10	Ditto	Ditto	Page 109. Although commenced in 1808, not yet built; intended to have four apartments, two for criminals.	Loc. Rep. part 2, p. 263. Property of burgh comprehends gaol.
,,	20. **Pathhead** .	..	Lock-up house . .	Ditto	Nil	Nil . . . . . .
,,	21. **Newport** . .	..	Ditto	Ditto	Nil	Nil . . . . . .
,,	22. **Ferryport-on Craig.**	..	Ditto	Ditto	Nil	Nil . . . . . .
,,	23. **St. Monance.**	..	Nil	Nil	Nil	Nil . . . . . .
,,	24. **Colinsburgh.**	..	New prisons proposed by County Board.	. . .	. . .	. . .
,,	25. **Leslie** . .	..	Ditto	. . .	. . .	. . .
,,	26. **Leven** . .	..	Ditto	. . .	. . .	. . .
,,	27. **Lochgelly** .	..	Ditto	. . .	. . .	. . .

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
2. 95. Two years ago, Lord Advocate applied to Court of Justiciary to compel burgh to make prison more secure; prison still very bad; no means of either separation or labour; only prison, except one in Shetland, where fees are demanded of criminal prisoners. 4. 91. Some improvement; but building so thoroughly bad as almost to defy amendment.	Insufficient, and incapable of being rendered sufficient for separate system. New prison necessary, on a better situation.	15. A new second-class prison is required here, containing 20 cells. Present prison to be disposed of.	All descriptions of prisoners.	FIFE, (continued.)
2. 81. Two rooms, part of town-house, used as a lock-up house; sufficiently secure for persons arrested on trifling charges, but not for others; one room damp and cold; the other dry and tolerably warm.	Insufficient for separate system, but useful as a lock-up house.	16. This prison to be discontinued and disposed of. A lock-up house, of two cells, with keeper's apartments, to be erected on a proper site and plan.	Same as St. Andrews.	
. 81. Part of town-house; three cells, seldom used otherwise than as a lock-up house; dry; tolerably well ventilated and warmed; moderately secure.	Ditto	17. To be discontinued as a prison, but to be converted into a lock-up house, of three cells and keeper's apartments, for which there is ample room.	Ditto.	
Nil	Ditto	18. This lock-up house to be discontinued, as unnecessary from its contiguity to Auchtermuchty. To be disposed of.	. . .	
. 80. Two cells in ground-floor of town-house; one dry, the other damp; both tolerably well ventilated, and secure; used as a lock-up house only.	Ditto	19. To be discontinued as a prison, and to be converted into a lock-up house of two cells and keeper's apartments.	Ditto.	
. 90. A new and tolerably good building, used as a lock-up house. From vicinity to Kirkaldy, a prison not necessary here, unless required in reference to jurisdiction.	Useful and necessary . .	20. This lock-up house to be discontinued on intended lock-up house being erected at Dysart.	. . .	
Nil	Particularly useful and necessary, being placed at Ferry.	21. A new lock-up house to be erected here, of two cells and keeper's apartments. Present lock-up house to be disposed of.	Ditto.	
Nil	Ditto	22. The same.	Ditto.	
. 88. Place used as a prison, miserably bad, damp, cold, ill ventilated, and dirty; no airing ground; debtors confined in town-hall, but room very insecure; about fifteen criminals and two debtors confined annually. Magistrates anxious to have a more suitable prison.	Nil	23. This prison to be wholly discontinued on the intended lock-up house being erected at Colinsburgh. To be disposed of.	. . .	
. . .	. . .	24. This being a considerable village, in the centre of a populous district, and the ordinary place of meeting of a bench of justices, as well as one of the sheriff's circuit-court stations, a lock-up house, of two cells and keeper's apartments, to be erected here.	Ditto.	
. . .	. . .	25. This being the centre of a considerable manufacturing population, a lock-up house to be erected, of two cells and keeper's apartments.	Ditto.	
. . .	. . .	26. This being a thriving town, in the immediate neighbourhood of extensive manufactories, a ferry station, and one of the sheriff's circuit-court stations, a lock-up house to be erected here, of three cells and keeper's apartments.	Ditto.	
. . .	. . .	27. A lock-up house, of two cells and keeper's apartments, to be erected here, as recommended by Mr. Hill.	Ditto.	

Table showing the Number, Situation, and Description of all Prisons,

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
13. FIFE . . . (continued.)	28. SINCLAIRTOWN	..	New prisons proposed by County Board.	. . .	. . . Note. Page 105. The prisons at Crail, Kilrenny, Anstruther Easter, Anstruther Wester, Pittenweem, and Earlsferry, very little used; not one person in them at time of reports. None of them sufficient, nor could be made so; but one prison sufficient for whole six, on new central site, and on better plan.	. . .
14. FORFAR .	† DUNDEE . .	14	Used as a county, burgh, and police prison, and a bridewell.	Civil and criminal .	Page 141. Insufficient; new prison since erected.	Loc. Rep. part 1, p. 235. Gaol crowded; loathsome; too small; new gaol indispensable, which is in contemplation.
,,	* FORFAR . .	..	Burgh prison . .	Ditto	Page 145. Five apartments; no airing ground; only classification males and females; salary of gaoler, 40*l.* and fees; insufficient in accommodation; sufficient in security and repair.	Loc. Rep. part 1, p. 445. Gaol ill lighted and ventilated; deficient in space and in means of cleanliness and health; ground that might be used as airing ground.
,,	ARBROATH . .	15	Ditto	Ditto	Page 136. Seven apartments; sufficient in every respect; no airing ground, but may be had behind gaol.	Loc. Rep. part 1, p. 6. Gaol lately erected, and well constructed, except want of airing yards and water.
,,	MONTROSE . .	15	Ditto	Ditto	Page 152. Three apartments, erected two centuries ago; only classification males and females; no airing ground; sufficient as to size, accommodation, and repair; not secure.	Loc. Rep. part 2, p. 241. Gaoler receives 15*s.* per week.
,,	BRECHIN . . .	13	Ditto	Ditto	Page 138. Three apartments, erected 1769; sufficient in security and repair; insufficient in size and accommodation; present site does not admit of enlargement or airing ground.	Nil . . . . . .
,,	KIRRIEMUIR . .	5	Lock-up house . .	Police prisoners . .	Nil	Nil . . . . . .
,,	GLAMMIS . . .	..	Nil	Nil	Nil	Nil . . . . . .
,,	CUPAR ANGUS .	17	Nil	Nil	Nil	Nil . . . . . .
,,	CARNOUSTIE . .	..	Nil	Nil	Nil	Nil . . . . . .

aols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
. . .	. . .	28. A lock-up house, of three cells and keeper's apartments, to be erected here, on account of the extent of the population in the village and neighbourhood.	Ditto.	FIFE. (continued.)
Note, 2. 98. and 4. 94. Prisons 19. Most of them very old and bad; of the few of recent erection, Kirkaldy alone on a moderately good construction; many of them should be replaced by new ones, and others may be dispensed with. Four additional small prisons or lock-up houses required at Leven, Leslie, Lochgelly, and Newport.	Note. Sheriff Substitute suggests that the whole gaols, with the exception of Cupar, Dunfermline, and Kirkaldy, should be converted into lock-up houses; and that the cells for criminals should be repaired, and in some instances rebuilt; and he observes that it would be attended with great inconvenience to deprive the burgh incorporations of the council rooms contained within or attached to the burgh gaols.			
1. 40. Old prison insufficient, and new one in course of erection. 3. 90. New prison finished; site good; cost about 22,700*l.*; built on radiating plan; Governor's house in centre, and five radiating wings, each having two airing yards; in all, 120 cells and rooms; substantial and secure; principle of separation acted on, but not completely. 4. 75. Prison clean and tolerably healthy; discipline and management very good.	Consists of five distinct buildings or wings, with eight airing yards, and 108 cells for criminals; whole surrounded by boundary wall. Insufficient, but capable of being rendered sufficient with some additions and considerable alterations, which are pointed out.	Not sufficiently large at present, but may be so when relieved by the Perth penitentiary. Inexpedient, in the mean time, to enlarge it.	Civil and criminal.	FORFAR.
1. 46. Old, and expensive in repairs and alterations; means of separation very imperfect, being only four cells. 3. 96. Prison in same state, and so completely unsuited to its purposes, that it would be in vain to attempt to improve it.	Insufficient, but might be enlarged, if necessary, by additional building; a new prison does not seem to be required. Perhaps when general prison opened, may be found sufficient.	Quite inadequate. A new prison necessary, in terms of 26th section of Prisons' Act; but impossible to say, at present, of what class.	Ditto.	
1. 26. Secure, but situation unfavourable; little separation among prisoners. 3. 96. Much the same state. 4. 73. Improved in terms of recommendations of Inspector.	The same as Forfar . . .	Inadequate. A new prison necessary, of about 10 cells.	Ditto.	
1. 67. Erected three years ago; construction tolerably good; tolerably secure; means of separation insufficient, being only six cells for criminals. 2. 27. Management improved. 3. 95. Improvements suggested by inspector in operation. 4. 70. No change.	Built within a few years, and is sufficient to admit of labour and instruction, but not individual separation. If deemed defective, it admits of being enlarged. No new prison required.	Sufficient at present	Civil and criminal.	
1. 35. One of the worst prisons visited; in no respect suitable to its purposes. 2. 26. Great alterations in contemplation, but expensive changes discouraged by inspector in mean time. 3. 95. Altered and improved, with good effect.	Insufficient in every respect, and incapable of being rendered sufficient. Another prison required, on a new plan and site.	Totally inadequate. A new prison of the third class required.	Ditto.	
2. 26. Single-vaulted room in town-house; tolerably secure; clean and dry; but ill ventilated.	Nil	Lock-up house at Kirriemuir, in tolerable good order.	Criminal only.	
Nil	Nil	Same at Glammis	Ditto.	
3. 96. Lock-up house. (See Perthshire.)	Nil	The third floor of steeple, at Cupar, can be fitted up for Perth and Forfar.	Ditto.	
Nil	Nil	A lock-up house at Carnoustie . . .	Ditto.	
Note. 3. 96. and 4. 80. Six new small prisons wanted, in lieu of present ones, at Forfar, Brechin, Kerriemuir, and Cupar-Angus; and new lock-up houses required at Lochee, two miles from Dundee, and at Newtyle.	Note. The Sheriff Substitute anticipates that, when general prison at Perth is opened, the prisons in Forfarshire will be much relieved, and Dundee will be the county prison.	Lock-up houses, on a small scale, may be required at Lochee and Newtyle.	. . .	

Table showing the Number, Situation, and Description of all Prison

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV., c. 54.	7. Rep. Burgh Com.
15. HADDINGTON.	* HADDINGTON	..	Burgh prison	Civil and criminal	Page 168. Nine apartments, and gaoler's rooms; insufficient for classification; no airing ground, and cannot be got on present site; insufficient in size, accommodation, and security.	Loc. Rep. part 2, p. Not a good constru tion; not supplied wi water; not well ven lated; no proper pr vision for cleanlines management good.
,,	DUNBAR	11	Ditto	Ditto	Page 170. Two apartments and court-house in an old building; no airing ground; quite sufficient for proper purposes, in size, accommodation, security, and repair.	Loc. Rep. part 1, p. 2 Unfit for reception prisoners.
,,	NORTH BERWICK	10	Ditto	Ditto	Page 171. Two apartments erected 1722; sufficient for purposes in size and accommodation: with little alteration might be made sufficient in security and repair; no airing-ground.	Loc. Rep. part 2, p. 2 Gaoler.
,,	TRANENT	7	Nil	Nil	Nil	Nil
,,	LINTON	..	Nil	Nil	Nil	Ni
,,	GIFFORD	4	Nil	Nil	Nil	Nil
16. INVERNESS	*INVERNESS	..	Burgh gaol	Civil and criminal	Page 176. Ten apartments; does not admit of proper classification; no airing-grounds; insufficient in size, accommodation, and security; new gaol of much greater extent and accommodation imperatively required on new site.	Loc. Rep. part 2, p. 1 Bad condition; commodation insu cient; only four ce and six rooms, all sma and several dark; airing-grounds, but s cure; inconvenient situated, and will n admit of sufficient e largement. Expen of gaol for 1831 222*l*. 11*s*. 6*d*.
,,	Ditto	..	Police cells	. . .	. . .	. . .
,,	KINGUSSIE	4	County lock-up house	Criminal	Nil	Nil
,,	GRANTOWN	..	Ditto	Ditto	Nil	Nil

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
2. 129. Old building, partly ruinous, connected with town-house; badly situated and constructed; 11 rooms or cells; no airing yard; ill ventilated; only moderately secure. 3. 100. much' the same state. 4. 163. No change; prison very ill adapted to its purposes, and could not, by any alteration, be rendered good.	Insufficient, and incapable of being rendered sufficient. Another prison is requisite.	Insufficient for separate system, and incapable of being rendered sufficient. If the county shall not resolve upon a union with Midlothian, present prison should be disposed of, and a new one erected on a different site.	Civil and criminal.	HADDINGTON.
3. 99. Part of old town-house; two rooms; no airing yard; insecure; dry and clean.	Insufficient, and incapable of being rendered sufficient. A new small prison or lock-up house requisite.	Insufficient, and requires alteration so as to afford four cells and keeper's house, as a superior description of lock-up house.	Criminals, previous to trial and after conviction, not exceeding 14 days.	
3. 97. Part of old town-house, two rooms; no airing-yard; insecure, and in most respects ill adapted to its purposes; dry and clean.	Ditto	Insufficient, and requires alteration if a new prison not resolved on, which county board have not yet determined; two cells and keeper's house necessary as a lock-up house.	Same as Dunbar.	
3. 97. Mere lock-up house of single cell in back part of constable's house; tolerably well situated; converted to its present use three years ago; appears moderately secure; few prisoners remain long enough to require food.	. . .	New lock-up house required; present one private property.	Criminal prisoners for not more than two days.	
3. 98. Mere small lock-up house, forming a kind of wing to the turnpike-house, one cell; dry, but insecure; prisoners not confined more than a few hours or a single night.	. . .	Same as Tranent	Same as Tranent.	
3. 99. Mere lock-up house; private property of Marquis of Tweeddale; single cell; dry; seldom used except at fairs.	. . .	Same as Tranent	Same as Tranent.	
Note. 2. 131. Prisons existing at present six, and a lock-up house erecting at Prestonpans. No prison wanted at any other place, but at each of these a good small prison necessary.	Note. At Tranent, Prestonpans, Gifford, and Linton there are temporary lock-up houses, but scarcely legal. New lock-up houses are required, for the confinement of vagrants and persons temporarily confined, at several stations throughout the county.	Note. New lock-up house required at Prestonpans, where there is none at present.	Same as Tranent.	
1. 63. Old building; neither in size, plan of construction, nor any other particular, suitable. No separation or classification; sometimes even males and females together. 2. 64. Very insufficient; five rooms and seven cells. 3. 109. Somewhat improved. 4. 135. Bad, and not susceptible of much improvement.	The whole prisons in this county are insufficient, and incapable of any classification or separation of prisoners. At Inverness, the prison is situated in principal thoroughfare, which prevents modification of evils. New prison there indispensable.	Report that counties of Ross, Moray, and Nairn approve of building a central prison in Inverness. Present prison does not admit of enlargement or very great improvement; and if central prison not in prospect, county board recommend a new prison at once to be built; but in expectation of central prison, in the mean time, recommend improvements on present prison estimated at 120*l*., according to plans transmitted and referred to. When thus altered, it will contain two large rooms for debtors, 14 criminal cells, and a good apartment and bed-closet for the gaoler.	Civil and criminal.	INVERNESS.
4. 36. Police cells even worse than the prison; damp, dirty, ill ventilated, and dark.	. . .	Two cells to be kept by the three principal police officers employed by the town, who have been appointed keepers quoad these cells by the board.	Criminal.	
2. 68. Very small and very bad .	At Kingussie, Grantown, and Portree there are small lock-up houses, which are all that are required.	Prison at Kingussie insufficient. New lock-up house in a situation without the village is necessary, to consist of a keeper's house and three cells.	Criminal.	
2. 68. Ditto		Present lock-up house at Grantown may be enlarged and rendered sufficient by purchasing the ground floor of the present building and erecting a boundary wall. Nairn and Moray use this prison, and should therefore contribute towards its expense.	Criminal.	

Table showing the Number, Situation, and Description of all Prisons

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV., c. 54.	7. Rep. Burgh Com.
16. INVERNESS, (continued.)	PORTREE . . .	Skye .	County lock-up house	Civil and criminal .	Nil	Nil . . . . .
,,	†FORT WILLIAM .	60	Nil	Nil	Nil	Nil . . . . .
,,	†NUNTOWN . . .	Uist .	Nil	Nil	Nil	Nil . . . . .
17. KINCARDINE	*STONEHAVEN . .	..	County gaol . . .	Civil and criminal .	Page 181. Five apartments; classification limited; no airing-grounds; quite sufficient in security and repair, and with some alterations may be made sufficient in size and accommodation.	Nil . . . . .
,,	INVERBERVIE . .	9	Burgh gaol . . .	Vagrants for a night	Page 183. Two apartments; insufficient in size, accommodation, security, and repair; rarely if ever used, except for temporary confinement; no airing-ground.	Nil . . . . .
,,	BANCHORY. . .	..	Lock-up house . .	Ditto	Nil	Nil . . . . .
,,	FETTERCAIRN . .	..	Ditto	Ditto	Nil	Nil . . . . .
18. KINROSS .	*KINROSS . . .	..	County prison . .	Civil and criminal .	Nil	Nil . . . . .
19. KIRKCUDBRIGHT.	*KIRKCUDBRIGHT .	..	County and burgh prison.	Civil and criminal .	Page 186. Twenty-two apartments; erected on new site in 1815-16; airing-grounds; perfectly sufficient in size, accommodation, security, and repair, for the whole county.	Loc. Rep. part 2, p. 169 Gaol in a tolerable state; clean; properly aired; space within for extension, and setting prisoners to work

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
2. 68. Very small, very bad; serves for the whole Island of Skye, and necessary on account of great distance from any other prison.		Prison at Portree insufficient, and new one of six cells and keeper's house should be built on a different site.	Civil and criminal.	INVERNESS, (continued.)
. . .	. . .	No prison at Fort William at present; but one should be erected, with the assistance of Argylshire, containing six cells and keeper's house, not in the garrison, but on some part of the government ground outside.	Civil and criminal, not exceeding 30 days.	
. . .	. . .	A prison should be built at Lochmaddy, in the Long Island, containing six cells and keeper's house. A large building belonging to Lord Macdonald might perhaps be purchased for this purpose.	Civil and criminal, not exceeding 30 days.	
Note. 2. 69 and 4. 40. The four prisons existing at present at Inverness, Kingussie, Grantown, and Portree, are all very bad. Three more small prisons wanted at Fort William, 4. 35, where Sheriff Substitute resides; Fort Augustus, 4. 35, could be got in Fort; Island of North Uist.	Note. A prison required in Long Island, and also a prison required at Fort William. This is the second seat of the sheriff's jurisdiction, and prisoners sent a distance of 60 miles, to Inverness. Half of the fort unoccupied, and a gaol might be had in it.	Note. Two new lock-up houses required in the Inverness district, one at Beauly and the other at Campbelton, each containing two cells and keeper's house.	Criminal.	
2. 27. Small prison in Court-house; five cells; no airing-yard, but may be obtained. Situation bad, and doubtful if prison can, by any alteration, be rendered good. 4. 67. Improved in discipline, but no change in condition of prison; want of good prison much felt.	Insufficient, but by means of additional building may be made sufficient.	It is wished to form a union with Aberdeen; and if that is accomplished, present prison, with additional cells and airing-ground, will be sufficient for a second class prison.	Civil and criminal.	KINCARDINE.
2, 27. Prison condemned about 12 years ago by Courts of Session and Justiciary, and only now serves as lock-up house; two rooms; one only secure.	Insufficient, and incapable of being rendered sufficient as a criminal prison, but may be made fit for the confinement of one or two debtors. Being within 10 miles of Stonehaven, a prison not very necessary here, except with respect to obligations of burgh magistrates.	Proposed to be discontinued, and a new prison, of two cells and keeper's house, to be erected on a convenient site, in connexion with a new court-house and council-chamber to be erected by the magistrates of the burgh.	To be used almost entirely as a lock-up house.	
Nil	Incapable of being fitted up for any other purpose than that for which it is used. No other place of confinement necessary.	Private property, and never recognized as a legal prison. Unnecessary that there should be a prison here.	. . .	
Nil	Ditto	Same as Banchory	. . .	
Note. 4. 70. Two prisons existing at present; one at Stonehaven and another at Bervie. If arrangements are made for sending prisoners to Aberdeen, the present prison at Stonehaven might perhaps, with alterations, be made to serve. Two new small prisons required at Bervie and Laurencekirk.		Note. Proposed to erect a new small prison at Laurencekirk, containing two cells and keeper's house.	To be used almost entirely as a lock-up house.	
1. 64. Forms part of Court-house of recent erection; site healthy, construction ill suited to purposes of a place of confinement, admitting slight approach to separation, no means of inspection, insecure; gaoler's house at a considerable distance.	Hardly sufficient at present, but capable of being rendered so. Chief defect the want of gaoler's house. Note. No other prison or lock-up house needed in the county.	Requires alteration to make it a prison of the first class. Cells should be subdivided, and keeper's house erected on the north side of the back court; but details not entered into until views of general board be known. County board think there would be no occasion for the large establishment of officers mentioned in the chairman's address; but at same time they are determined to do everything necessary under the direction of the general board for the proper treatment of prisoners in terms of the Act.	Civil and criminal.	KINROSS.
3. 30. Built about 20 years ago, but not so constructed as readily to admit of good discipline, at least for more than a few prisoners at a time; 17 rooms or cells, with airing-yard; which, however, is not legalized or secure. 4. 6. Much in same state.	Sufficient for separate system to a considerable extent with respect to criminal prisoners; but requires and admits of improvement. No other prison in county required for debtors.	Before giving any decided opinion, the County Board desire to keep in view a union with Dumfries, which might perhaps be attended with economy in management, and clearly also with more efficiency. At the same time, if the prison of Dumfries requires to be rebuilt, while that at Kirkcudbright is nearly sufficient for the stewartry, perhaps the first outlay would more than counterbalance the diminished annual expense.	Civil and criminal.	KIRKCUDBRIGHT.

Table showing the Number, Situation, and Description of all Prisons

1.	2,	3.	4.	5.	6. Rep. 10 Geo. IV., c. 54.	7. Rep. Burgh Com.
19. KIRKCUDBRIGHT, (continued.)	New Galloway .	..	County and burgh prison.	Civil and criminal. .	Page 188. Seven apartments; no airing-ground; sufficient at very small expense in improvements.	Nil . . . . .
,,	Castle Douglas .	10	Barony prison; also used as a lock-up house.	Petty offenders and vagrants.	Nil	Nil . . . . .
,,	Maxwellton . .	..	Ditto	Criminals . . .	Nil	Loc. Rep. part 1, p. 21 There is a gaol.
,,	Gatehouse . .	7	Lock-up house, not yet inspected by Sheriff.	Petty offenders and vagrants.	Nil	Nil . . . . .
,,	Creetown . . .	..	Ditto	Ditto	Nil	Nil . . . . .
20. LANARK .	*Glasgow . . .	..	Burgh prison . .	Civil and criminal .	Page 199. Ninety-seven apartments; 62 for criminals, and 37 for debtors; prison ill constructed; plan of Chester gaol followed; day and night rooms; does not admit of proper classification; insufficient in size and accommodation; cannot say insecure; new gaol necessary.	Loc. Rep. part 2, p. 31 Reference to Report under 10 Geo. IV. c 54. Erected in 181 and 1813, unfortunately after plan of Chester gaol. Day an night rooms; classification difficult or impossible; accommodation insufficien Sale of beer in gao censured.
,,	,,	..	City and county bridewell.	Criminal	Page 201. Bridewell itself does not fall within this report; gaol there consists of 50 apartments; airing-grounds sufficient in size, accommodation. security and repair.	Loc. Rep. part 2, p. 31 One of the best regulated of the kind i the empire. Erected i 1823–4; cost 25,000 Excellent management; separation an labour. Results affor satisfactory proof o advantage in point o economy and discipline, of abolition o small prisons, an having prisons on suc a scale as to ensure efficient and respectabl management.
,,	,,	..	Lock-up house of Glasgow police office.	Ditto	Nil	Nil . . . . .

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
3. 29. Old and bad; part of town-house. Communicates with the street. Two rooms; no airing-yard; little used, except as a lock-up house. 4. 9. Nothing new.	Altogether unfit, and not capable of being made useful as a general prison. It may, and ought to be fitted up for short periods of imprisonment.	Insufficient; and in the mean time should undergo some repair, to render it fit for use as a lock-up house. At no distant period, a new lock-up house, of three or four cells, may be required.	Criminal.	KIRKCUDBRIGHT, (continued.)
3. 30. Little more than a lock-up house; consists of two rooms in town-house; no airing-yard; insecure. Suitable prison for short periods much wanted 4. 6. Same state; quite unsuitable for its purposes, and incapable of much improvement.	Consists of two small, very bad apartments, but useful. Requisite for very short periods of confinement; 10 miles from Kirkcudbright.	If no other lock-up houses are to be established in this district, the situation of present gaol, and the difficulty of its enlargement, may render a new prison indispensable, containing not less than six cells, with two or three rooms for a keeper and his family.	Criminals for short periods.	
2. 118. Small building, containing five cells; situation damp; tolerably secure; communicates with the street; area proposed to be added as airing-ground. 4. 5. Same state; contemplated improvements not made.	Consists of five cells. Admits of separation. Most useful, and highly requisite. As distant from Kirkcudbright, it should be declared a legal prison for periods of confinement not exceeding four or six months.	Recently improved, and all that is required will be a few additional cells.	Should be used only as a lock-up house, and prisoners removed after sentence to Kirkcudbright, except for very short periods.	
3, 33. Built 12 years ago by Mr. Murray; two rooms; dry, and tolerably secure, but ill ventilated; communicates with outside. 4. 9. Lock-up house tolerably good one, in same state.	Lately erected. Consists of two apartments. Very useful for short confinement.	Doubted if lock-up house here requisite; present one is part of a porter's lodge. County Board doubt whether this and Creetown fall under the Act, as they have never been visited by the steward; and the prison at Gatehouse having been built by Mr. Murray, of Broughton, at his own expense.	Criminal.	
3. 34. Quite new; four cells and keeper's house; not on good construction, though better than most small prisons; insecure; no airing-yard; only used as a lock-up house.	Consists of four small apartments. Very useful.	Amply sufficient	Criminals, where confinement is not likely to exceed two or three days.	
Note. 3. 35. Six prisons existing at present; none required at any other place, but petty prisons wanted at New Galloway and Castle Douglas, and alterations to a greater or less extent on all the others.	Note. Castle Douglas, Gatehouse, and Creeton should be declared legal for prisoners on apprehension, and during investigation, and after conviction for a month's imprisonment. See Notes by Sheriff Substitute.			
1. 49. Construction such as to render it impossible to have good system of discipline; no means of separation, even classification cannot be carried far; insecure. 3. 103. Continues in a bad state, and it is to be hoped will be soon abandoned. 4. 110. Same state, utter want of order and discipline.	At present incapable of admitting of separate system, but capable of being made sufficient, if a considerable part of the prisoners were removed.	This prison contains fifty cells, with eight day rooms for male criminal prisoners; 18 cells, with two day rooms for female criminal prisoners; and 19 cells for debtors, and other apartments. To be altered in regard to the internal construction; and Venetian blinds to be put upon windows of debtors' apartments, &c. *Vide* Report apart by the Board on the prisons of the county.	Civil and criminal.	LANARK.
1. 53. Construction good, separate cells, substantially built, principles of separation and constant employment carried into effect, perfectly secure, dry, and clean, and tolerably well ventilated. 2. 109. This excellent prison goes on most satisfactorily. 3. 102. System of separation broken in upon by an unusual influx of prisoners. 274 separate cells, and average number of prisoners, 330 during the year. 4. 100. Erection of additional wing determined upon to contain about 120 cells; prison clean, dry, and well ventilated.	Admits of system of separation.	To be heated by hot water or otherwise. An exercising yard formed. Window soles, &c. of prison for females repaired. Walls rough cast; rones put up. Cell doors, &c. painted, &c. conform to Report. Additional wing erected, containing 106 cells, and four rooms, with fire-places. There are in all, in the bridewell, 415 rooms and cells.	Criminal.	
2. 108. Ill constructed building, quantity of ground for site insufficient, number of rooms and cells so small, that not uncommon for 50 persons to be confined together; 35 cells and rooms tolerably secure.	Merely temporary for police prisoners.	Thirty-three cells. Recommended that a number of cells should be formed, for imprisonment of offenders for a short period.	Police prisoners.	

Table showing the Number, Situation, and Description of all Prisons,

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
20. LANARK (continued.)	GLASGOW	..	Broomielaw lock-up house.	Criminal	. . .	. . .
,,	RUTHERGLEN	2½	Burgh prison	Civil and criminal	Page 103. Two apartments generally used for debtors; no airing grounds; considering proximity to Glasgow sufficient in size, accommodation, security, and repair.	Loc. Rep. part 2, p. 374. Salary of gaoler, 5*l.*
,,	CALTON	..	Bridewell	Criminals	Page 106. Twelve apartments; sufficient classification; no airing grounds; sufficient in size, accommodation, security, and repair.	Loc. Rep. part 2, p. 31. Mere police gaol; sufficient accommodation only for separating males from females, and convicted from unconvicted. Built since 1820.
,,	GORBALS	..	Lock-up house	Ditto	Page 207. Nine cells and three day-rooms; sufficient classification; sufficient in size, accommodation, security, and repair.	Ditto
,,	ANDERSTON	..	Ditto	Ditto	Page 205. Eight apartments; used for police purposes; only classification males from females, and accused from convicted; no airing ground; sufficient in size, accommodation, security, and repair.	Ditto
,,	†HAMILTON	10½	County prison and bridewell.	Civil and criminal	Page 198. Five apartments; no airing ground; insufficient in all respects; new gaol on new site should be erected.	Loc. Rep. part 2, p. 76. Gaol built in 1833.
,,	AIRDRIE	10¾	Police prison	Criminal	Nil	Nil
,,	STRATHAVEN	15	Lock-up house	Ditto	Nil	Nil
,,	*LANARK	25	County and burgh prison.	Civil and criminal	Page 196. Four apartments; insufficient in all respects; a new gaol on a new site absolutely necessary.	Loc. Rep. part 2, p. 190. Gaoler has salary of 20*l*
,,	CARNWATH	7 fr. Lanark.	Barony prison	Criminal	Nil	Nil
,,	DOUGLAS	..	Ditto	Police culprits	Nil	Nil

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
. . . .	. . . .	Seven cells adjacent to harbour police office. Ventilation, &c. to be improved.	Police prisoners.	LANARK, (continued.)
. 71. Part of town-house, a very old building, five apartments, no airing-yard; insecure; ventilation of cells not good.	Unnecessary, and may be discontinued, except as a temporary lock-up house.	Recommended to be discontinued as a prison for debtors; and to be altered internally. *Vide* Report by County Board.	Criminal and police prisoners, who should not be detained longer than two days, till alterations recommended are made, when the period may be extended.	
. 104. Forms part of police office, on good construction, although very small. Is used both as a gaol and house of correction; 12 cells, no airing ground, secure, clean, tolerably well ventilated. 3. 104. Improved in terms of inspector's recommendation.	Admits of the separate system, but none are sent to it except those convicted before the police court of the burgh of Calton, and sentenced to a few days imprisonment.	No alterations contemplated at present, except to prevent damp in lower cells. Required solely for police purposes. Architect to inspect and report. See Report by County Board.	Twelve cells. Criminal and police prisoners, for a period of about eight days.	
. 106. Used for little more than police purposes. Forms part of police office, no airing yard, no discipline of any kind.	Temporary lock-up house for police prisoners.	Suggested that three cells on each flat, being too narrow, should be formed into two. Architect and Mr. Brebner to inspect.	Criminal and police prisoners, for about four days.	
. 107. Used for little more than police purposes. Forms part of police office, insecure, no airing yard.	Ditto	Not susceptible of being improved. Architect to inspect.	Police prisoners, for two or three days.	
. 74. Almost new, in outskirts of town, behind Court-house; cost about 3,000*l.* Site unobjectionable, construction comparatively good; contains 43 cells; airing yard surrounds whole building. Prison secure; airing yard not so; imperfect means of warming; clean, ventilation good. 4. 123. Little change.	At present insufficient, but capable of being rendered sufficient for separate system requires heating.	To be heated; a wash-house, and store-room, and several sheds, for prisoners to break stones in, to be erected; also a stone tank, with pump and pipes, for supplying water.	Civil and criminal.	
. 72. Five cells on ground floor of town-house, no airing yard, no provision for heating, insecure, alterations recommended.	Insufficient, and not capable of being made sufficient for these purposes. A prison necessary, and the present may serve the purpose, if improved and enlarged.	A new prison required, and recommended that model plan No. 5, consisting of 13 cells, &c. and keepers' house, should be adopted.	Criminal.	
3. 78. Two cells in Town-house used merely as a lock-up house for periods of not more than 24 hours; communicates with outside; clean, and dry, but cold.	Insufficient, and incapable of being made sufficient. A lock-up house necessary on a new plan and site.	A new prison or lock-up house necessary, and recommended that model plan No. 2, with three cells, and keeper's house, should be adopted.	Criminal and police prisoners, for short periods.	
3. 78. Built about three years ago, construction better than any prison in Scotland, except Glasgow bridewell; cost above 3,000*l.* Site good, 27 cells and rooms, airing yard. Insecure but easily made secure. 4. 125. Much in the same state, nearly as insecure as before, but may easily be rendered secure.	Sufficient, and being in four completely separated divisions, may be used for classing the prisoners.	Recommended to be heated; vent of debtors' room contracted; door bells, and an alarm bell fitted up; also that sheds for breaking stones in, and a shed or store for straw, should be erected. See Report.	Civil and criminal.	
. 82. Two cells on ground floor of town-house, damp and cold, and one of them ill-ventilated. Not sufficiently secure for any but petty offenders.	Sufficient as to strength:—two apartments. Unnecessary, except as it is now.	Recommended that a new prison, after model plan No. 1, with two cells and keeper's house, should be erected at Carnwath, and also at Douglas; and that a new prison, after model plan No. 2, consisting of three cells and keeper's house, should be erected at Biggar.	Criminal and police prisoners, for short periods.	
3. 83. Single small room on ground floor of town-house, an old building, dry, and moderately ventilated, and secure. Very little used.	Insufficient for purposes mentioned, but unnecessary, except as it is now.	. . . .	. . .	

Table showing the Number, Situation, and Description of all Prisons,

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
20. LANARK (continued.)	BIGGAR	11 fr. Lanark.	Hovel used as lock-up house by Baron Bailie.	Criminal	Nil	Nil
21. LINLITHGOW.	*LINLITHGOW	..	Burgh prison, but used by county.	Civil and criminal	Page 221. Six apartments; sufficient for its proper purposes in size, accommodation, security, and repair; no airing-ground, but a large room for exercise.	Loc. Rep. part 2, p.229 Gaol consists of groun floor of town-house inconvenient and unfit.
,,	QUEENSFERRY	9	Burgh prison, or lock-up house.	Criminal and petty delinquents.	Page 223. One small apartment; no airing-ground; insufficient in size, accommodation, security, and repair. This should be a lock-up house.	Nil
,,	BATHGATE	5	Barony prison	Ditto, but seldom used.	Nil	Loc. Rep. part 3, p. 11 Burgh property comprehends gaol. Annual expense of polic and prisoners, 10*l*.
22. NAIRN	*NAIRN	..	Burgh prison, erected and supported partly by the county.	Civil and criminal	Page 224. Four apartments; insufficient so far as regards debtors; sufficient as to criminals; no airing-ground; may be enlarged and airing-ground obtained on present site.	Loc. Rep. part 2, p. 257 Gaol built since 1820 far from being sufficient or even secure.
23. ORKNEY and SHETLAND.	*KIRKWALL	..	Burgh and county prison.	Ditto	Page 232. Seven apartments; no airing-ground; no proper classification; sufficient in size; not sufficient in accommodation and security; wants gaoler's residence, &c.; new gaol on different site should be erected.	Loc. Rep. part 2, p. 177 Gaoler elected durin pleasure—finds no security.
,,	†LERWICK	..	County prison	Ditto	Page 299. Four apartments, but one useless; no airing-ground; insufficient in size, accommodation, and security; gaoler should sleep in prison; space could be got by building in the sea; otherwise new site must be got.	Loc. Rep. part 3. £ paid for rent of burg gaol.
24. PEEBLES	*PEEBLES	..	Burgh prison aided by county.	Civil and criminal	Page 236. Two apartments and gaoler's house, — no airing-ground, but easily got on present site, hitherto found sufficient in size, accommodation, security, and repair, except on a few occasions; additional accommodation may be obtained by adding an additional story.	Loc. Rep. part 2, p. 294 Annual expense of prison and prisoners 7*l*. 1*s*. 9*d*.

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
3. 81. Miserable dungeon, in which it is wrong to confine a human being even for an hour; wet, cold, dirty, and insecure. No one ever kept in it more than 24 hours. Note. 3. 83. Fourteen prisons existing at present. An addition required to Glasgow Bridewell, so as to supersede gaol; and new small prisons required at Rutherglen, Airdrie, Biggar, Douglas. The prisons at Hamilton, Lanark, and Calton Bridewell, must be rendered complete in several particulars in which at present deficient. Alterations or new prisons necessary in place of the present prisons of Gorbals, Anderston, Strathaven, Carnwath, and Glasgow police prison.	Now given up.	Note. The County Bridewell at Glasgow is on the separate system, by day and night . Lanark, do. do. . Hamilton, do. do. . } As far as circumstances will admit. The other prisons are not capable of being so managed.	. . .	LANARK. (continued.)
3. 58. Very bad; forms lower story of town-house; building old, but part above prison appears in good condition; six rooms or cells, but generally two only used; insecure. Communicates with street.	Insecure, insufficient, and incapable of being rendered so. Another prison is necessary on a new plan and site.	1. First class prison, unless an union be effected, which is desirable. 2. Could not be made efficient for a first class prison. 3. Repairs and alterations requisite, even for temporary use, and orders for such were given. 4 and 5. Cannot at present be replied to.	Civil and criminal prisoners.	LINLITHGOW.
2. 99. Used only as a lock-up house; single room on ground floor of town-house, a very old building; insecure.	May suffice with repair as a lock-up house, and nothing more is required.	Third class prison, if any; but a trifling alteration on the present prison may suffice, as all cases, except those of people taken up for drunkenness, are understood to be transmitted to Linlithgow.	Police delinquents who may be detained for a day or two.	
3. 57. Part old and part new; three cells and a small room, not much used. Note. 3. 60. Three prisons existing at present; all bad; a good small prison wanted at each of the places where they are, and a new one at Borrowstonness.	Ditto	1. Third class prison. 2. Sufficiently secure. 3. Not at present. 4 and 5. The situation being bad, the County Boards are desirous of supplying funds to the magistrates for the purpose of building a new lock-up house, on receiving compensation for the present one.	Criminal, and petty delinquents. Should be discontinued for debtors.	
2. 43. Part of town-house; although of recent erection ill contrived, and in every respect ill suited to its purposes: four rooms and cells; no airing-yard. 4. 47. Little improvement, insecure, and in every way unsuited to its purposes. Note. 4. 49. New prison required at Nairn. No other necessary.	Insufficient, but capable of being rendered sufficient by considerable additions to building, for which ground must be bought, expense of which will not be heavy.	Union proposed with Inverness; and small new prison to be erected at Nairn. Opinion of General Board desired as to the site.	If Union effected, criminal prisoners only; if not, civil and criminal.	NAIRN.
2. 48. Forms basement, and second story of town-house, in middle of town, about 80 years old; part of it insecure, cold, damp, and ill ventilated; communicates with outside. 3. 109. Slightly improved. 4. 166. Grievous want of a proper prison.	Insufficient, and incapable of being made sufficient for separate system. A new prison, on a different plan and site, should be erected. At present Kirkwall Gaol a disgrace to Orkney. A small lock-up house, of two or three cells, requisite at Stromness, 15 miles distant from Kirkwall.	Insufficient, and to be disposed of. New second class prison required at or near Kirkwall, on a different plan and site. The assistance of the General Board requested towards obtaining a site from the Commissioners of Woods and Forests. A lock-up house required at Stromness.	Civil and criminal. Criminals for custody or examination, or on conviction not exceeding 60 days.	ORKNEY and SHETLAND.
2. 45. Very bad and insecure, proposed to be abandoned, and new temporary prison intended to be constructed. 3. 110. New prison constructed at Fort-Charlotte, and report thereon by sheriff, that it is well adapted for purpose intended. Note. 2. 50. Small prison much wanted at Stromness, the principal port of Orkney; also great want of Lunatic Asylum in Orkney, lunatics being at present confined in prison at Kirkwall, which is quite unsuitable.	Lately fitted up at expense of county in Fort Charlotte; six large cells; generally speaking sufficient and capable of admitting of separate system, except on some occasions arising chiefly from influx of Orkney prisoners, sent in consequence of insecure state of prison at Kirkwall. Note. The sheriff complains of lunatics being confined in Lerwick Prison.	Zetland Committee resolve that they have nothing to do with building local prisons in Orkney; and solemnly protest against any attempt to render Zetland liable for any part of the expense of Orkney Prisons. Lerwick Prison approved of by the Inspector of prisons, and in need of nothing. Note. In subsequent Return from Zetland, it is stated that the prison is held by a very precarious tenure, being liable to be recalled by the Board of Ordnance at pleasure. It is further stated that it would be highly expedient to obtain an adjoining room from the Board of Ordnance for civil prisoners.	Civil and criminal.	
3. 14. Site dry and healthy; building substantial; eight apartments with airing-ground; under good management would be tolerably secure; ill ventilated; management and discipline bad.	Insufficient, but capable of being rendered sufficient by taking in additional ground behind, which can readily be procured from the town. Some persons authorized by General Board should report before any thing is done.	The present prison will require some alteration, to render it fit to be used under the new system; but the county being undetermined whether to unite with other counties or not, in consequence of the uncertainty as to the principles on which such union might be formed, can return no distinct answer as to the nature or extent of such alterations.	As a first class prison, for civil and criminal prisoners.	PEEBLES.

Table showing the Number, Situation, and Description of all Prisons

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
24. PEEBLES (continued.)	SKIRLING	..	Nil	Nil	Nil	Nil
25. PERTH	*PERTH	..	City and county gaol	Civil and criminal	Page 238. Twenty-nine apartments and gaoler's house; imperfect classification,—airing-grounds; conceived sufficient in size, accommodation, security, and repair,—present site does not admit of enlargement.	Loc. Rep. part 2, p. 31 Inadequate, ill a ranged, over crowde and requires much r formation; security only advantage.
,,	,,	..	Police cells	Police offenders for short periods.	Nil	Nil
,,	CULROSS	..	Burgh gaol	Civil and criminal	Page 242. Four apartments; two only used; no airing-grounds; in tolerable repair, but insufficient in accommodation, and security; easily improved.	Loc. Rep. part 2, p. 17 Gaol unfit for crimin prisoners, and not w adapted for debtors.
,,	†DUMBLANE	32	Lock-up house	Criminals under examination, or for short terms.	Nil	Loc. Rep. part 3. B ron's gaol used as lock-up house.
,,	DUNKELD	15	Ditto	Criminals for a night.	Nil	Nil
,,	BLAIRGOWRIE	..	Ditto, and police prison.	Criminals for a night, and very short periods of confinement.	Nil	Nil
,,	CUPAR ANGUS	12½	Lock-up house	Criminals for a night.	Nil	Nil
,,	KINCARDINE	22	Ditto	Criminals for a night, and short imprisonment.	Nil	Nil
,,	CRIEFF	18	Ditto	Criminals for a night.	Nil	Nil

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
3. 17. A small lock-up house.	Nil	. . .	. . .	PEEBLES, (continued.)
Note. 3. 17. Two prisons existing at present, one at Peebles, another at Skirling. A small prison wanted at Linton.	Note. Application made to Commissioners of Supply in 1836 for a lock-up house at Linton, but dropped; subject should be reconsidered.			
1. 69. Built in 1819 in outskirts of town. Though not adjoining any other building exposed to communication from without; substantial, but from association of prisoners not very secure; ventilation not good. 3. 106. Considerable alterations with a view to introduction of separate system. Chapel converted into a cell as recommended by Inspector. 4. 81. Further alterations completed, but prison not yet very secure, or sufficient for separate system.	Greatly improved within these late years, and now adapted to separate system, as in No, 1, so far as the building admits.	To be continued as a gaol for civil and criminal prisoners. Certain alterations suggested by the Inspector are in progress of being made.	. . .	PERTH.
Nil.	In the course of being fitted up.	Nine cells fitted up under the charge of Mr. Boyle, superintendent of police.	. . .	
2. 76. Seldom used otherwise than as a lock-up house, and seldom indeed in any way; two rooms; part of town-house; an old building; no airing-ground; dry; well ventilated; clean, but insecure.	Little used; only two rooms; not capable of much improvement; necessary to be kept up from detached portion of county situated around.	Discontinued as a gaol for civil debtors. To be maintained as a gaol for criminal and penal offenders. Repairs ordered.	. . .	
2. 77. Though the residence of a sheriff substitute, prison here little more than a lock-up house, and not fit even for that purpose, being old, small, and insecure; two cells in town-house; no airing-yard.	Consists of one light and one dark room. Insufficient, and not capable of much improvement. Insecure; a new and commodious gaol much required here.	A new gaol ordered at Dumblane, or where the seat of the Court may be, which, when erected, will be for the reception of both civil and criminal prisoners. Meantime the present building is only to be used as a gaol for criminals for short periods.	. . .	
2. 74. Used only as a lock-up house; formed out of one of the dry arches of the bridge across the Tay; situation damp, but room tolerably dry; insecure and cold.	Dry arch of bridge used, consisting of three rooms. Necessary to be kept up, but may be much improved.	Former lock-up house condemned as unsuitable, and a new one ordered to be built on another site.	. . .	
2. 75. Part of town-house built about four years ago; site healthy; two rooms; windows do not open outwards, therefore, although a good prison, not legalized; secure; dry; well ventilated, but cold; a resident keeper.	Building quite new; two rooms; highly necessary to be continued. The accommodation is limited for the amount of population.	To be continued as the police gaol and lock-up house: and alterations ordered. It is under consideration whether a new and larger prison may not be built for the whole of Strathmore.	. . .	
2. 75. Cupar-Angus, partly in Perth, and partly in Forfar; prison is merely a small dark cell in lower part of steeple, used about 50 times in the year.	One dark place at the foot of the steeple, which is situated in Forfarshire. A new lock-up house much required.	Alterations proposed, so as to give two cells as lock-up houses. Expense to be borne mutually by counties of Perth and Forfar.	. . .	
/7. Used only as a lock-up house; constructed a few years ago out of an old engine-house; two cells; tolerably dry, well ventilated, and clean; moderately secure, but public have access to windows.	Two rooms in an old engine-house for a coal mine; newly fitted up; little used on account of want of funds to pay a keeper. Much required here.	Baronial prison and lock-up house. To be surrounded with a wall; and a keeper has now been named.	. . .	
3. 57. Used only as a lock-up house; consists of a single cell; old and insecure; males and females sometimes confined together; tolerably dry, and moderately ventilated, but cold.	One cell. Very incommodious. A new lock-up house much required here.	The present lock-up has become ruinous, and a new one on the same site is under contemplation.	. . .	
Note. 4. 86. Eleven new small prisons wanted—one at Dumblane, Crieff, Dunkeld, and Culross, where only bad prisons exist at present; and new ones at Aberfeldy, Alyth, Auchterarder, Callander, Doune, Erroll, and Pitlochrie.	Note. Small prisons or lock-up houses are much required at the following places, where at present none exist:—Aberfeldy, Alyth, Auchterarder, Callander, Doune, Pitlochrie.	Consideration of these has been delayed.		

Table showing the Number, Situation, and Description of all Prisons,

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com.
26. RENFREW .	†GREENOCK . .	16 Communication by Railway.	Burgh and barony prison, serves for west of Renfrewshire.	Civil and criminal .	Page 240. Forty apartments; no airing ground, though somewhat antiquated in its plan, tolerably sufficient and secure; present site admits of rebuilding or enlargement.	Loc. Rep. part 2, p. 61 Keeper of gaol an bridewell appointe during pleasure.
,,	,,	..	Lock-up house . .	Criminals, &c. . .	Nil	Nil . . . . . .
,,	PORT GLASGOW .	13½	Guard-room, or lock-up house.	Civil and criminal .	Page 251. Six apartments; no airing ground; seems sufficient in size, accommodation, security, and repair; could not be enlarged on present site.	Loc. Rep. part 2, p. 339 Gaoler's salary, 30*l.*
,,	*PAISLEY . . .	..	County bridewell and gaol for burgh of Paisley and county at large.	. . .	Page 246. Gaol, 34 apartments; airing grounds, sufficient. Bridewell, 248. Forty-four apartments; unqualified approbation reported.	Loc. Rep. part 2, p 288. Gaoler's salary 46*l.* 19*s.* 5*d.*
,,	RENFREW . . .	3	Small prison . . .	Ditto	Page 248. Three apartments; insufficient in size, accommodation, security, and repair.	Nil . . . . . .
,,	POLLOCKSHAWS .	6	Lock-up house, of doubtful legality.	Criminals . . .	Nil	Nil . . . . . .
,,	JOHNSTONE . .	4 Railway to Paisley.	. . .	. . .	. . .	. . .
,,	BARRHEAD . .	3	. . .	. . .	. . .	. . .
,,	GOUROCK . . .	18½	. . .	. . .	. . .	. . .
,,	LOCHWINNOCH .	9½ Railway to Paisley.	. . .	. . .	. . .	. . .
27. ROSS and CROMARTY.	*DINGWALL . .	..	County and burgh prison.	Civil and criminal .	Page 256. Three apartments; no airing grounds; altogether insufficient in size, accommodation, security, and repair; ample room on present site for enlargement and airing grounds. Page 262. Dingwall said to be a most central situation for gaol.	Nil . . . . . .

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
1. 60. Old; ill constructed; ill ventilated, and part of it damp, and propriety of building a new prison frequently considered; situation confined, and communicates with outside; moderately secure; insufficient for separate system. 3. 54. So old and ill constructed that none but minor and temporary improvements can be made; every disposition on part of magistrates to improve. 4. 133. much in same state; no improvement, as respects dryness, ventilation, and security.	Scarcely sufficient at present for separate system, but capable of being rendered sufficient. Contains 30 cells for criminals, besides accommodation for debtors, the gaoler, &c. Prison here cannot be dispensed with.	First class prison. Requires considerable alteration, particularly a thorough straight passage from one end of the prison to the other, to admit a free circulation of air. Windows should be enlarged; adjacent ground sloped and drained, the under flap of prison being damp. N. B. No present funds for any expensive alterations. Some small improvements ordered.	Civil and criminal; but the civil at present subject to consideration.	RENFREW.
Nil	Recently erected at the town-house a short distance from prison. Consists of nine cells.	Third class. Good.	Criminal only.	
3. 54. Part of town-house; built about 20 years ago; six rooms; no airing-yard; tolerably secure, although floor and partitions of wood; dry and clean; ill ventilated and cold; used for short periods only.	Insufficient, and incapable of admitting of separate system. Some prison-room necessary, and the wants of Port Glasgow do not require more than is afforded by the present building, which contains guard-room and cells.	Third class prison. Cells to be better ventilated. Guard-room proposed to be converted into keeper's house. N.B. No funds at present for proposed alterations.	Criminal only.	
2. 111. Built 15 years ago; cost about 14,000*l.*; site on outskirts of town; plan, though defective, better than most new prisons, and admits of good system of discipline; comprehends both gaol and bridewell; 34 cells and rooms in the former, and 43 in the latter; two airing yards to each; substantial and secure; discipline good in bridewell, bad in gaol. Recommendation of inspector carried into effect, and discipline and management of gaol much improved.	Sufficient, and capable of admitting of separate system. There are 77 apartments, and there may be more.	First class prison. Three interior staircases to be removed, and some other alterations made, whereby 18 additional cells will be obtained. End windows of passages to be enlarged. Prison yards to be improved, and a few other interior improvements made. These alterations are immediately required, from the crowded state of the prisons.	Civil and criminal.	
2. 110. Old, but secure; three rooms; sufficient for wants of town, especially since diminution of debtors; windows overlook the street, which is the greatest defect in the place; no airing yard; dry, and well ventilated.	Is not unnecessary. Is susceptible of little improvement. Is only used for criminals imprisoned by warrant of burgh magistrates, and occasionally for debtors. No other seems to be necessary.	Third class prison. Windows to be enlarged. Large room, used as a debtor's prison, to be converted into keeper's house. Not sufficient funds at present for these alterations.	Criminal only.	
3. 35. Single cell, used merely as a lock-up house, but quite inadequate even for that purpose; insecure; ill ventilated, and cold.	Insufficient, and incapable of being made sufficient. A prison or place of secure temporary custody is very desirable.	Third class prison required. N. B. Present funds for this.	Criminal only.	
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. . .	. . .	. . .	. . .	
. . .	. . .	. . .	. . .	
Note. 3. 56. and 4. 136. New prisons necessary at Greenock and Pollockshaws, and alterations to be made in all others; additional prisons wanted at Johnstone, Barrhead, Gourock, and Lochwinnoch.	Note. New small prisons are desirable at Johnstone, four miles, and at Barrhead, three miles, from Paisley.	Third class prisons required at Johnstone, Barrhead, Gourock, and Lochwinnoch; but no funds at present for these purposes.	Criminal only.	
2. 70. Building about 100 years old, and about six years ago so insecure as to be condemned; but, being repaired and altered, it was re-opened within last 12 months; not yet secure, nor used for debtors; part of town-house, in middle of town; four rooms. 4. 43. Little improvement; new prison urgently wanted.	These four prisons in Ross-shire are insufficient, and incapable of being rendered sufficient for separate system. Another prison at each place necessary on a new plan; and except as regards Fortrose, probably on a new site. The prisons cannot be discontinued.	Insufficient, and incapable of being rendered sufficient; but to be considered if it should be sold. Kind of prison required depends on question yet undetermined, as to union with other counties; but a new prison must be built on a different plan or site. (At subsequent meeting of 18th August, resolved that union inexpedient, on the understanding that only one first class prison is required in the county, and that this should be at Dingwall.)	Civil and criminal.	ROSS and CROMARTY.

Table showing the Number, Situation, and Description of all Prisons

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV. c. 54.	7. Rep. Burgh Com
27. ROSS and CROMARTY, (continued.)	*Tain	26	County and burgh prison.	Civil and criminal .	Page 253. Two buildings called old and new gaol; former five apartments, latter five apartments; amply sufficient in size, accommodation, security, and repair; no proper airing ground, but present site admits of enlargement and airing ground.	Loc. Rep. part 2, p. 4 New gaol a few ye ago destroyed by fir present gaol an tower wholly inac quate; expense of ga and police establis ment, 71*l.* 2*s.* 3*d.* T gaolers, with a sala of 14*l.* each.
,,	Fortrose . . .	..	Ditto	Ditto	Page 259. Two apartments, and vault; ample airing-ground; sufficient in size, accommodation, and security, and easily repaired.	Loc. Rep. part 1, p. 4 Gaol devoid of eve requisite for accomm dation or cleanline unhealthy; insecure
,,	†Stornoway . .	Lewis	Ditto	Ditto	Page 260. One apartment; not sufficient; ought to be rebuilt and enlarged. Important to have competent and sufficient gaol. Population of Lewis 12,000 to 13,000.	Nil . . . . .
,,	†Cromarty . . .	20	Ditto	Ditto	Nil	Nil . . . . .
28. ROXBURGH	*Jedburgh . .	..	Burgh gaol and county bridewell.	Ditto	Page 270. Twenty-five apartments; three airing-grounds; lately built. Sufficient in size, accommodation, security, and repair. Present site admits of enlargement.	Loc. Rep. part 1, p. 1 Kept in superior st of cleanliness and co fort, but system of d and night rooms good; separation complete. Salary gaoler 20*l.* He fi security to extent 200*l.*
,,	Kelso	10	Barony prison . .	Criminals under examination, and vagrants for short periods.	Nil	Loc. Rep. part 3. To property comprehe lock-up house a gaoler's house, wh appear to be ves jointly in the bur and the superior.
,,	Hawick . . .	10	Barony prison or lock-up house.	Petty culprits and offenders.	Nil	Nil . . . . .

Gaols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.'	10. Suggestions of County Boards.	11. Description of Prisoners.	
.59. A square tower, 200 years old; in middle of town; four rooms, with dungeon below ground never used; ill ventilated: about 11 years ago a new prison built, but about three years ago burnt down, and three persons burnt alive, in consequence of keeper living at a distance; dry and warm, but ill ventilated, and over crowded, owing to bad state of prison at Dingwall; insecure. 4.41. No improvement, and susceptible of little; nothing short of an entirely new prison will suffice.	These four prisons in Ross-shire are insufficient, and incapable of being rendered sufficient for separate system. Another prison at each place necessary on a new plan; and except as regards Fortrose, probably on a new site. The prisons cannot be discontinued.	Answers as to Tain same as above. (At subsequent meeting, resolved that there should be a second class prison for Tain.)	Civil and criminal previous to trial, and sentenced for periods not exceeding 30 days.	ROSS and CROMARTY, (continued.)
.62. Wretched place; quite unfit for use; often desired to be condemned. Consists of a single room, formed in ruins of cathedral; damp, cold, dirty, and insecure.	Ditto	No prison considered necessary here, and may be discontinued; to be considered whether it should be sold. (At subsequent meeting, resolved that arrangements may be made for erecting a constable's house, with lock-up house for temporary custody of two criminals.)	Criminal.	
Nil	Ditto	Insufficient, and cannot be made sufficient by alteration or repair; and being private property, cannot be disposed of. New second class prison required.	Civil and criminal.	
.61. Ground floor of town-house, built about 50 years ago; damp, insecure, and accommodation insufficient. Three rooms; no airing-yard.	Insufficient, and incapable of being rendered sufficient for separate system. County being very small, few persons are committed to prison. Present building might be so far altered and improved as to do for interim detention; persons sentenced to imprisonment for any length of time being to be confined, as at present, in gaol of Tain.	Requires alterations and repairs; dampness to be remedied, and a gaoler's house, with two additional cells, and airing-ground, to be added.	Criminal.	
Note. 2. 72. Four prisons existing at present in Ross and Cromarty, at Dingwall, Tain, Fortrose, and Cromarty. Four additional prisons wanted at Stornoway, Ullapool, Jeantown, and Invergordon.		Note. New lock-up house of two cells, with dwelling-house for district constable, at Invergordon, Jeantown, and Ullapool. Mr. Morton Carr's memorial of 13th July considered, and the County Board think their resolutions will remedy the evils complained of, in so far as the counties of Ross and Cromarty are concerned.		
132. Erected about 15 years ago; cost about 8,000*l*.; situation good; construction imperfect, but better than in generality of prisons, and will admit of good system of discipline. Consists of gaol and bridewell, debtors' prison, and governor's house, with airing-yards; 27 sleeping-cells, six working-rooms, and four day-rooms. Average number of prisoners 28. 3. 23. Little change.	Insufficient for separate system; with some additional buildings, is capable of being rendered sufficient.	HEAD I.—Cannot say, till it is ascertained whether a union of the four counties in the Jedburgh circuit will be formed, what extent of prison accommodation will be required in the county. The prison at Jedburgh requires alteration, but consideration postponed for above reason.	Civil and criminal.	ROXBURGH.
. 22. Little more than a lock-up house, of which use confined to burgh. Two rooms; dry, but ill ventilated and cold; moderately secure.	Insufficient; but the periods of confinement being short, it may only be necessary to have more accommodation to classify prisoners. For this purpose it may be made sufficient by adding a story to the building. A new site could easily be procured, if a new gaol were thought necessary. The prison is indispensable.	. . .	Criminals under examination, and for short periods.	
. 23. A wretched place, consisting of a single room on ground floor in one of the streets; communicates with outside, insecure, dry, ill ventilated, and dirty. Males and females sometimes kept together.	Insufficient, and incapable of being rendered sufficient. Another prison on a new plan and site would be of advantage. Some prison here is indispensable.	. . .	Ditto.	

Table showing the Number, Situation, and Description of all Pris

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV., c. 54.	7. Rep. Burgh Co
28. ROXBURGH, (continued.)	MELROSE . . .	12	Barony prison . .	Criminals for short periods.	Nil	Nil . . . .
,,	NEW CASTLETON .	26	Lock-up house . .	Vagrants and disorderly persons during the night, &c.	Nil	Nil . . . .
29. SELKIRK .	*SELKIRK . . .	..	Burgh and county prison.	Civil and criminal .	Page 273. Eleven apartments; airing-ground; built in 1804. Sufficient in size, accommodation, security, and repair; easily attained.	Loc. Rep. part 2, p. Gaoler's salary besides perquisite
,,	THIRLSTANE . .	..	Lock-up house . .	Criminals. . . .	Nil	Nil . . .
30. STIRLING .	*STIRLING . . .	..	Burgh of Stirling, and counties of Stirling and Clackmannan.	Civil and criminal .	Page 276. Eighteen apartments; no airing-ground; erected 1807. Deficient in size, accommodation, and security. but in good repair. Could be enlarged on present site, and airing-ground obtained.	Loc. Rep. part 2, p. Expense of prison prisoners for the 1832-3, 193*l.* 19*s.*
,,	ALVA	..	Lock-up house . .	Criminals in terms of 20 Geo. II., c. 43.	Nil	Nil . . . .
,,	KILSYTH . . .	16	Ditto	Ditto	Page 279. Two apartments; in all respects suited to purposes of barony prison. Present site does not admit of enlargement, Large gaol here would be useful.	Nil . . . .
,,	FALKIRK . . .	11	County prison . .	Criminals . . .	Page 279. Two apartments; deemed secure and sufficient for mere lock-up house, but understood not to be legal prison.	Loc. Rep. part 2, p. Town's steeple, shop under it; pa town property; no Stirling nearest – miles off.

ls, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Board.	11. Description of Prisoners.	
2. Lock-up house only; pri- e property of Duke of Buc- ugh; single stone vaulted l on ground floor of court- ıse; secure, dry, tolerably ll ventilated, but cold, and ks upon the street; very dom used.	Insufficient, and incapable of admitting of separate system, but sufficient for the purposes to which it has been applied. Is necessary as a lock-up house.	. . .	Criminals under examination, and for short periods.	ROXBURGH, (continued.)
4. Lock-up house only; tole- ly secure, but communicates h outside. Two cells; dry, l tolerably ventilated, but d and dirty.	Used only till prisoners can be removed to Jedburgh.	. . .	Ditto.	
e. 3. 94. Six prisons existing present; being prison and k-up room in Jedburgh. and k-up houses at Kelso, Hawick, lrose, and New Castleton. additional prisons required, t new ones for general use nted at Kelso and Hawick.		HEAD II.—No other prison at present proposed, for the above reason.		
2. Well situated. Construc- n, though imperfect, better n most small prisons; and, nsidering that it was built re than 30 years ago, credit- le to those concerned. Sub- ntial; surrounded by high ll; airing-grounds; two day- ms and nine cells; dry, clean, l tolerably secure: part re- ires warming.	Insufficient, but capable of being rendered sufficient for all the purposes specified. The prison is necessary, being the only one in the county.	The gaol of Selkirk is to be all heated by a stove, and some small improvements and repairs made; and the necessary steps for which have been taken. The gaol has been reported as otherwise conformable to the statute. A proposition has been made to Roxburghshire for the erection of a lock-up house in the town of Galashiels, for the joint use of Selkirk and Roxburghshire.	Civil and criminal.	SELKIRK.
. . .	. . .	Nil	. . .	
e. 3. 14. Two prisons exist- at present; one at Selkirk, l a small lock-up house at irlstane. A small additional son wanted at Galashiels.	Note. The Sheriff suggests disadvantage caused by the prison being at some distance from the court-house.			
01. Though built not more n 30 years ago, bad both in e and construction. Situa- n public; masonry so bad that es can be made in walls; in- ure. Ten rooms; no airing- rd; dry, but ill ventilated. 96. Scarcely any alteration the better in this prison. e of the worst in Scotland.	Insufficient, and not capable of being rendered sufficient for separate system, and could not be discontinued. Present site unsuitable for purposes required.	I.—1. If a union can be formed with other counties, which is very desirable, only a second class prison will be required at Stirling; if not, one of the first class. 2. Probably sufficient as a second class prison, but with some alterations. 3. Principal alterations relate to ventilation, erection of privies, and general improvement; as to which the Board are desirous of consulting Mr. Hill, the Inspector of Prisons. 4. If there is no union, a new prison will be required at Stirling, and probably on a new site. 5. In that case the present prison will be disposed of.	With the exception of Stirling, for prisoners previous to summary trial; or, in graver cases, previous to transmission to the county town.	STIRLING.
. . . .	Nil	. . .		
03. Very small and very bad. nsists of two small damp ms or vaults, in ground floor town-house; insecure, owing there being no resident per, and to communication n without. Good prison of derate size absolutely neces- y here.	Nil	. . .		
l. Part of a tower, on which ıds the town's spire. Two ms; insecure; dry; ill ven- ted.	Present prison of the most miserable description. Insufficient, and incapable of being made sufficient for purposes required. Another prison, on a different plan and site, is absolutely necessary. A prison cannot be dispensed with.	II.—At Falkirk a prison agreeable to the plan No. 2 might be sufficient: and at Lennoxtown, one agreeable to the plan No. 1, or perhaps No. 2.		
. 4. 99. Four prisons exist- at present. Alva not seen; the prisons at Stirling, Kil- ı, and Falkirk bad, and must eplaced by new ones. An ad- onal lock-up house required ennoxtown of Campsie.				

Table showing the Number, Situation, and Description of all Pri

1.	2.	3.	4.	5.	6. Rep. 10 Geo. IV., c. 54.	7. Rep. Burgh Co
31. SUTHERLAND.	*Dornock . . .	..	Burgh prison. . .	Civil and criminal .	Page 282. Two apartments, each subdivided into three by wooden partitions; rent paid for gaol to Duke of Sutherland, whose property it is. Not sufficient in size, accommodation, security, or repair.	Loc. Rep. part 2, p Prison insufficie to size, accomn tion, and security aiting-ground.
32. WIGTOWN.	*Wigtown . . .	..	Ditto	Ditto	Page 285. Six apartments; no airing-ground; insufficient in size and accommodation. Present site admits of enlargement, and also perhaps airing-ground. Keeper should reside in gaol.	Loc. Rep. part 2, p Gaol not such county town sl have. Gaoler doe sleep in prison room for separati classification. Ga salary 25*l*.
,,	Stranraer . .	28	Ditto	Ditto	Page 289. Five apartments: no airing-ground. Sufficient as to security and repair; insufficient in size and accommodation.	Loc. Rep. part 2, p. Gaol incommo and insecure. G does not find secu nor sleep in prison
,,	. . .	..	Police office . . .	Criminal	Nil	Nil . . . .
,,	Whithorn . .	11	Burgh prison. . .	Civil and criminal .	Page 297. Five apartments; no airing-ground. Amply sufficient for all its purposes. Present site admits of enlargement and airing-ground.	Loc. Rep. part 2, p. Gaol under worst r lation possible; is of town-house. Pa building let as sh Gaoler's house s rate.
,,	Newton Stewart	8	Lock-up house . .	Criminal	Nil	. . .
,,	Glenluce. . .	..	Ditto	Ditto	Nil	Nil . . . . .
,,	Port Patrick .	34	Ditto	Ditto	Nil	Nil . . . . .

aols, Bridewells, Houses of Correction, Lock-up Houses, &c.—*continued.*

8. Inspector's Reports.	9. Sheriff's Reports.	10. Suggestions of County Boards.	11. Description of Prisoners.	
56. Constructed about 20 years igo out of ruins of Bishop's Pa- ace. Consists of tower of four tories, of which lower one is ised as court-house; each of hree upper stories divided into day-room and two small sleep- ng-rooms; clean, dry, and tole- ably well ventilated. Until ately far from secure: no resi- lent keeper, and therefore no uperintendence. Floors and artitions being wood, danger rom fire may be apprehended.	Insufficient, and could not be rendered sufficient for purposes referred to without considerable additions and alterations, such as would make it in a manner a new building. Prison, being the only one in the county, cannot be discontinued.	Insufficient, and difficult to alter or enlarge it; and, therefore, if 694*l.* 15*s.* 10*d.*, to which the county assessment is limited, would build a new one, such, upon the whole, might be desirable; bearing in mind that the amount of crime is so small, that a prison of very moderate extent would be sufficient for this county.	Civil and criminal.	SUTHERLAND.
ote. 2. 57. Two small prisons vanted at Tongue, on the north, ınd Scourie, on the west.	Note. The prison is part of entailed estate of Duke of Sutherland, and only legalized ad interim.	Note. No new prisons in other places considered requisite.		
36. Forms part of town-house; ld; in middle of town; in every espect ill suited to its purposes; o means of separation or work, r preventing communication rom outside. Very insecure; o much so, that magistrates all upon inhabitants to keep vatch upon it through the night. No airing-yard; three rooms and three cells; dry, but lamp and close 4. 10. Considerably improved, though till far from being a good prison. Nothing but an en- irely new building will afford complete remedy. Prison till insecure.	Insufficient, and incapable of admitting of separate system. A new prison, on a new plan and a new site, required.	Insufficient; a new prison necessary; but, until some more permanent arrangement can be made, must be continued as at present. Communication opened with Ayrshire as to union, and until that be disposed of, County Board cannot report on class of prison required. At subsequent meeting, the County Board recommended for consideration placing the first class prison for the county at Glenluce, should a union with Ayrshire not be ultimately accomplished.	Civil and criminal, until some more permanent arrangement can be made.	WIGTOWN.
40. Bad construction; formed ut of old castle about seven ears ago, at a cost of about 00*l.* Five rooms and one cell; o airing-yard; dry; ventila- ion not good; insecure, 4. 14. Nearly in same state; suscep- ible of some improvement, but ever could be made a good rison.	Ditto	Insufficient, and requires alteration and repair, extent of which dependent on union with Ayrshire. Question, with magistrates of Stranraer, as to the property of the second story of the building, &c., referred for the opinion of General Board.	Civil and criminal.	
il.	The police office is used as a place of temporary security during the taking of precognitions, or in the event of criminals being apprehended during the night. Might be discontinued if prison made sufficient.	Private property, held on a short lease by the Police Committee of the county. To be continued in the mean time; but, if prison sufficient, might be discontinued.	Criminal.	
38. Forms part of town-house; uilt about 22 years ago; badly onstructed; insecure; commu- icates from without; three ooms and two small cells, the atter seldom used; no airing- ard. 4. 14. In much the same tate, except cleaner, and slightly epaired.	Insufficient, and incapable of admitting of separate system. May be discontinued, except as a lock-up house and place of confinement for short periods for petty offences.	A lock-up house is all that is required; and for this purpose the prison may be fitted up, with addition of residence for keeper, and alteration of access to cell.	Criminal.	
35. Single small cell; inse- ure, very ill ventilated, and ery unfit for purpose for which t is applied.	A miserable place, without light or ventilation. Some place of temporary security in transmission of prisoners is necessary.	A lock-up house is all that is required, the existing one irreparable; and being property of a private individual, held without lease, cannot be disposed of. New lock-up house required on different plan and site.	Criminal.	
40. Lock-up house only: an rched cell, without window or himney, or any other means of ight or ventilation; private roperty, and a guinea a-year aid by the county for the use f it. Insecure for persons under erious charges; seldom used.	Ditto	The same as Newton Stewart; but subsequently suggested that central prison for the county might be erected here.	Criminal.	
42. Mere lock-up house, but nfit even for that purpose. Two ells; communicates with street; nsecure; cold, damp, dirty.	Believed to be the same as Newton Stewart and Glenluce.	A lock-up house is all that is required: at present insufficient, and requires great alteration and repair; ground behind must be excavated, the windows changed from the front to the back, and a dwelling-house for the keeper may be obtained by adding a story. It is understood to be the private property of an individual.	Criminal.	
ote. 3. 43. Six prisons existing t present; all bad. No prisons equired at any other places, but new one will be necessary at ach of the towns enumerated.				

No. III.

LETTER—The Viscount Melville, Chairman of the General Board, to the County Prison Boards.

To the COUNTY PRISON BOARD of the County of ———

Edinburgh, 124, *George Street, May* 13, 1840.

2 and 3 Vict. c. 42.

GENTLEMEN,—As the period is approaching when the Prison Boards in the several counties of Scotland will enter on their functions, in pursuance of the Act of last session of Parliament, the General Board of Directors of Prisons deem it incumbent on them to bring under the notice of the County Boards such provisions of the Act as require their special attention. You are aware that, on 1st July next, the whole prisons, of every description situated in the county, together with all property, money, and effects held by the existing authorities as relative thereto, will be vested in you, and will be placed under your superintendence and management; it is very desirable, therefore, that immediate preparation should be made for the commencement of your duties. I have, therefore, as chairman of the General Board, and at their request, to submit to you the following observations:—

Chairman and Clerk.

I. At the first meeting of the County Board, to be held on 20th instant, the Act requires you to appoint one of your own number to be your chairman and convener. You will also appoint a clerk, and either at this or a subsequent meeting may assign to him such salary as you may think fit, subject to the approval of the General Board.

Rules of Proceeding.

II. You will establish rules by which meetings of the County Board, or committees thereof, are to be convened, and their proceedings governed, such rules to be subject to the approval of the General Board.

Committees.

III. You may, if you think proper, appoint Committees of your own number for the management of the several prisons within the county, or for the performance of your several duties, and fix the quorum thereof, and delegate to such committees such powers as you think fit, the same being expressed in the minute of their appointment.

Governors, Keepers, and other Officers.

IV. In the management of the prisons placed under your superintendence, you will be greatly aided by having efficient governors or keepers; it is of the utmost importance, therefore, that a proper selection be made of persons to hold this office in your several prisons. The power of appointing these, as well as chaplains, medical officers, clerks, teachers, and all other persons proper to be employed in the administration of your duties, is vested in you, and you are also to fix their several salaries, subject to the approval of the General Board. In order to place more fully in your hands the appointment of efficient officers, and at all times hereafter to secure the services of officers of that description, the General Board have power to authorize you to give such compensation as you may deem just to any person now in office, who may be suspended or removed, and who, by the tenure of his office, and the nature and duration of his services, may be entitled thereto; and all appointments to be hereafter made by you to any office or place whatever, are to be made during pleasure, and under the condition that the persons so to be appointed may at pleasure be suspended by you, or removed by the General Board.

Extent of Prison accommodation.

V. The extent of prison accommodation to be provided in the several counties, comprehending the situation of the different prisons required, and the size and style of architecture of these prisons, forms a subject to which the very early and diligent attention of the County Boards ought to be directed. With a view to these objects, the actual state of the prisons in your county should be immediately investigated, and seriously considered. The General Board have prepared a table, showing the number, situation, and description of all prisons in Scotland, according to the results of the Reports thereon, contained in the following documents:—1st, Reports made in 1830, in obedience to the Act 6 Geo. IV. c. 54; 2d, Report of the Burgh Commission in 1835; 3d, Reports of the Inspector of Prisons in 1835, 1836, 1837, and 1838; and 4th, Returns obtained from the several sheriffs in Scotland by the General Board in 1840. Copies of this table are sent to you by directions of the General Board, in so far as applicable to your county, and blank columns are attached in order that you may fill them up and return one copy to the General Board, with your opinion on the state of the existing prisons, and your views relative to the extent of prison accommodation best suited to your county, the changes necessary on the existing prisons, and the new prisons required. The General Board feel assured that you will address yourselves to this important part of your duty with the same feeling of its urgency which the result of these Reports has impressed upon them.

Principles according to which Prison accommodation is to be provided.

VI. The principles according to which prison accommodation is to be provided in the several counties have not yet been definitively determined by the General Board, as they are desirous, in the first place, of ascertaining the views and opinions of the County Boards with respect to each county. It is provided by the 27th section of the Act, that so soon as the General Prison at Perth shall be ready to receive prisoners, all those who are sentenced to imprisonment for one year or upwards shall be sent thither; and also that it shall be lawful to direct the removal or commitment to the general prison, of all prisoners whose period of imprisonment may be less than a year, but not less than six months. Under these provisions, considerable relief will be afforded to the county prisons; but, keeping them in view, it is necessary to attend to the terms of the Act, as affording to a certain extent a guide by which both the General and County Boards must be regulated, as to the extent of prison accommodation required in the several counties. In particular, reference may be made to the preamble, and to the 22d, 26th, and 28th sections. By the 26th section it is provided that the General Board "shall, so soon as convenient, either by means of the County Boards herein established, or failing them, under their own immediate direction, erect, provide, and maintain prisons, which shall be in such situations as the said General Board may think suitable and convenient, including a prison at every town at which circuit courts are held by the court of justiciary, and at every town in which any sheriff is in use to hold Courts for the exercise of his ordinary criminal jurisdiction; and such prisons shall be so constructed and fitted up as to afford the best means of carrying into effect the purposes of this Act, and the rules to be made in virtue hereof, and particularly for training the prisoners in good and industrious habits, by effecting their complete separation from vicious society, and by affording them religious and moral instruction, and employing them in useful labour." Following out the provisions of the Act, it is therefore necessary that there shall be in every county (except where two or more counties shall unite, as hereinafter mentioned) at least one prison provided with means for carrying into effect the system of imprisonment here described. Such prisons must have efficient governors and matrons, chaplains, schoolmasters, and schoolmistresses, teachers of useful labour for male and female prisoners, and sufficient accommodation for keeping all convicted prisoners who may be expected to be sentenced to confinement in them, individually separate from each other, employed in useful labour, and receiving religious and moral instruction. The prisons of this class must also have sufficient accommodation for the separate confinement of such number of untried criminal prisoners as may be expected to be committed to them, who are not, however, to be set to work without their own consent, but are to be supplied with moral and religious instruction. Such is an outline of the extent and nature of the accommodation requisite at the chief prison in each county, which, with perhaps two or three exceptions, will be the prison situated at the head burgh. There must further be in each county, at every other town in which any sheriff is in use to hold Courts for the exercise of his ordinary criminal jurisdiction, a sufficient prison of an inferior class to that above described, but nevertheless one in which the system of separation of all prisoners from vicious society must also be provided for. It will not be necessary, however, in such prisons to have so complete an establishment for religious and moral instruction and labour as in the chief prison of the county, since it will be generally found more convenient to remove prisoners who may be sentenced to imprisonment, except for short periods, to the chief prison of the county. A third class of prisons, which may be termed lock-up-houses, containing only two or three cells, must also be established in each county, at all other considerable towns, and at places situated in the centre of populous districts. In general, every prison, however small, ought to comprehend a dwelling-house for the keeper and his family. The Board have given directions to their architect to prepare model plans of prisons of the different classes, with estimates of the probable expense of the same respectively, which they propose to lithograph, and which they think may be of great use to the County Boards. The Board will communicate these to the County Boards upon application, in order that they may proceed on views which have been considered and approved of by the General Board.

First Class of Prisons.

Second Class of Prisons.

Third Class of Prisons.

Union of Counties.

VII. In carrying these principles of the Act into effect, it may perhaps be considered that the erection and establishment of a prison of the first class in each county, provided with all the requisites for the maintenance of the prescribed system of discipline, would occasion unnecessary expense, and probably also, that in many of the smaller counties, such prisons, from the limited number of prisoners, may not be capable of being managed with entire efficiency. It is very desirable, therefore, that the County Boards should direct their attention to this subject, and consider whether a union with one or more adjoining counties, under the 52d section of the Act, might not be formed advantageously, both with respect to economy and efficiency. In case of a union of counties being formed, the prison fixed on as that in which convicted prisoners should be confined, would be the only one in the district in which it would be necessary to have the complete establishment required by the Act, for carrying the requisite system of discipline into full effect, while all the others situated in the united counties would, so far as regards criminal prisoners, be constructed and fitted up only for the safe custody of those imprisoned previous to trial, and of those after trial who may be sentenced to short periods of imprisonment.

The General Board are disposed to view very favourably those unions of counties for the purpose of building one common prison, not only on account of the relief which will thereby be afforded in the first cost, and subsequently in the permanent establishment of the county prisons, but also of the additional means which will be found in prisons of a larger class for carrying more fully into effect the system of discipline contemplated by the Act, especially at the circuit towns, where the prisons are liable to be inconveniently and improperly crowded at the periods of the half-yearly circuits. It is possible that if such unions shall be formed (in the several counties, for instance, within a justiciary circuit,) additional facilities may be found necessary for carrying into full operation the provisions of the 52d section; but if any such amendments to the present Act shall be required, application may be made to Parliament for obviating any difficulties that may be found to exist in carrying the 52d section into effect, and it is to be presumed that any such difficulties would be removed.

Custody of Civil Prisoners.

VIII. With the exception of only a very few counties, it will probably be found sufficient to declare one prison in each county to be a lawful prison for the reception of civil prisoners. That will in general be the chief prison of the county; and the safe and proper custody of such prisoners will thus be rendered the more secure, while at the same time, from the extent of caution found by the governors of such prisons, incarcerating creditors will be enabled to obtain a large remedy in case of neglect in the custody of their debtors. Civil prisoners cannot be set to work without their own consent, and must be kept separate from criminal prisoners.

Governors and Keepers should find Caution.

IX. All governors and keepers of prisons should be made to find caution for the faithful performance of their duties to an amount corresponding to the extent of their several duties and salaries. Such a rule will justify the County Boards in entrusting keepers with suitable sums of money to defray the necessary daily expenses of their prisons; and will also tend to the appointment of trustworthy persons. The governors or keepers of prisons legalized for the reception of civil prisoners should, in addition, find caution for the safe and proper custody of civil prisoners.

In conclusion, I have only further to acquaint you that it will be satisfactory to the General Board, through their secretary, or, if necessary, by personal communication, at all times to afford every information and assistance in their power to the County Boards, in order that the latter may be enabled effectually to discharge the duty intrusted to them by the legislature. The steady maintenance of a proper system of prison discipline, with a view to the reformation of criminals, is an object of great public importance, which can only be accomplished by the vigilant superintendence and attention of the County Boards; and on their zealous exertions for the attainment of that desirable end, the General Board will fully and confidently rely.

I am, Gentlemen,
Your very obedient servant,
(Signed) Melville.

No. IV.

Letter—Mr. Hill to the Chairman of the General Board.

Extract from the Minutes of the General Board of Directors of Prisons, at a Meeting thereof, held within their Chambers at Edinburgh, on the 16th day of May, 1840:—

"Mr. Hill having in terms of the request of the last meeting of the Board on the 11th instant, prepared a draft of a letter to the chairman, relative to the qualifications, salaries, and mode of appointment of governors, and other officers of prisons to be appointed by the County Boards, and the same being now read, the Board approve thereof, and direct that copies be forthwith transmitted to the County Boards."

My Lord. Edinburgh, 14th May, 1840.

In compliance with a minute of the General Board at its last meeting, I proceed to state, in a letter to your Lordship, my views as to the appointment of prison officers.

It will, I am sure, be quite unnecessary for me to dwell on the importance of this subject, and on the necessity for the exercise of the greatest care and circumspection in the numerous appointments which are about to take place. It is in vain that the plan of a prison be skilfully devised, that liberal funds be furnished for building the prison, and that rules be laid down for carrying into operation a good system of discipline, unless the instruments by which the machine is to be worked are competent to their task. Impressed with this truth, and being constantly brought by my office into a position in which the good or bad working of a prison comes strikingly before me, I am naturally very anxious that the opportunity which the Prisons' Act now affords of obtaining the services of right-minded, zealous, and respectable men in all the prisons of Scotland should be turned to the fullest account.

Of all the duties which have fallen upon me, as Inspector of Prisons, one of the most difficult and most painful has been to obtain the removal of incompetent officers. In cases where a keeper's conduct has been marked by anything positively bad—such as fraud, deception, or drunkenness, the task has been comparatively easy; but where the disqualification has arisen, not from any glaring fault, but from want of zeal, intelligence, and industry, natural feelings of kindness and friendship have often been arrayed in the keeper's favour; and those who have had the power of dismissing him have sometimes flinched from the exercise of their painful duty. Now, however, a new period has arrived. Not a single officer has yet received an appointment from a County Board; and no connexions, claims, or attachments, can therefore have been formed; and if well-selected persons be in every instance chosen, and the appointments be placed upon a proper footing, not only will there be a great security for the successful management of the prisons, but much future pain will be spared to all parties concerned—to the officers themselves, to the County Boards who choose them, and to the General Board, whose duty it will be to dismiss all bad or inefficient officers by whomsoever appointed.

The first requisite for obtaining a good appointment of prison officers is, of course, to have a clear conception of the necessary qualifications. The lowest officer in a prison, and the keeper of the smallest lock-up-house, should, in my opinion, be a person superior in his habits to the ordinary run of the working classes, that he may constantly present to the wrong doers who will come under his charge, an example worthy of their respect and imitation. In the same way that in the improved lunatic asylums of the present day keepers are sought for of unusually sound and vigorous minds, so those who are to have the care of criminals should be men of sterling honesty, free from those little practices of deceit, which, in ordinary persons, might pass without much animadversion. They should be distinguished, too, for habits of sobriety, industry, order, and cleanliness; they should be very intelligent, kind, and good tempered, yet firm; and the County Board should also, of course, satisfy themselves that they have been in the habit of attending the services of some religious body, and are duly impressed with religious principles. Again, they should be acquainted with several kinds of useful labour, and should be at least able to read and write fluently. Lastly, it is essential that they should have a liking for the kind of occupation in which they will be engaged. The higher the officer's position, the more varied and numerous are the qualifications required. The governor of a large prison should be a person of strong native talent, of great decision of character, yet of kind and affable manners; he should possess great insight into human character, and into the various causes of crime, and the springs of action; and he should be influenced by a strong desire to promote the permanent welfare of the prisoners committed to his charge. He should be possessed of powers of command, and of holding others to responsibility; and in order to maintain these effectually, it is necessary that he should be able to determine what every one under his authority can reasonably be expected to perform, and to judge of the manner in which every duty is discharged.

The qualifications of female officers are, in many respects, the same as those of males. It is especially important, however, that female officers should be distinguished for modesty of demeanor, and the exercise of domestic virtues, and that they should possess that intimate knowledge of household employment which will enable them to teach the ignorant and neglected female prisoner how to economize her means, so as to guard her from the temptations caused by waste and extravagance.

As respects the number of officers, male and female, I am of opinion that there should be sufficient in every case to provide for the constant and efficient superintendence and management of the prisoners (the males under the care of male officers, and the females under the care of female officers) without entrusting any authority to prisoners themselves, and without employing the prisoners in any way which brings them into contact with each other. At present in many of the prisons in Scotland, the number of officers is quite inadequate for carrying forward a good system of discipline; though in some few, I think the number might, under better arrangements, be reduced.

The superintendence of a female officer over the female prisoners may, by judicious arrangements, be secured even in the smallest prison, at but little expense. At all events, I should strongly recommend that the principle of keeping each class of prisoners under officers of their own sex be never departed from.

In cases where there are two prisons in the same town, as in Edinburgh, Glasgow, and Aberdeen, economy in the number of officers, and increased simplicity and efficiency of management, might be obtained, by placing both prisons under one governor, with a subordinate officer, of superior rank, stationed in that prison in which the governor does not reside. This arrangement would afford facilities for placing the female prisoners together in one of the prisons, and would give advantages in entering into contracts for food, &c., and in disposing of the labour of the prisoners.

Except under peculiar circumstances, to be specified and recorded in each particular case, I should recommend that no person be appointed an officer who is more than 40 years old; and that a preference be given, other circumstances being equal, to persons considerably younger than this.

Two of the best conducted prisons in Scotland are under the care of officers who were trained in the Glasgow Bridewell; and so high an opinion do I entertain of the management of that prison, and of the zeal, intelligence, and general qualifications of the governor, and of his power of selecting good officers, that I would strongly recommend that, when possible, Mr. Brebner's assistance should be obtained in procuring qualified persons, and in giving them the advantage of at least a short training under his superintendence.

Where no suitable officer can at once be procured, a temporary arrangement might be entered into. And even where there is every promise of the person selected proving a thoroughly good officer, it would be prudent to make the engagement, in the first instance, for a short and limited time only, to fall to the ground, unless renewed.

One very important point, in my opinion, in order to secure the full responsibility of the keeper, and to prevent all doubt as to who may be in fault, in case of mismanagement, is to leave the selection of the subordinate officers in the keeper's own hands. This has always been the rule in the Glasgow Bridewell; and I do not know any prison, under really good management, where the same rule is not virtually acted upon.

In fixing the scale of wages and salaries of prison officers, it must of course be borne in mind, that in order to induce persons possessed of the qualifications enumerated, to undertake the laborious duties which they will have to perform, it is necessary to offer a higher remuneration than that by which services can be obtained for ordinary employment, where the moral qualities of the individual are but slightly scanned, and where he is free from many of the restrictions to which an officer of a prison is subjected.

The appointment to the office of chaplain is one deserving of great care in every point of view, among others, because, unless the chaplain's proceedings be in harmony with those of the keeper, much is likely to arise that will have a bad effect on the minds of the prisoners, and will thwart the operations of both keeper and chaplain. It is important, therefore, that the chaplain, besides possessing the peculiar qualifications of his profession, should have enlightened views on the subject of prison discipline.

In small prisons, the keeper and his wife, if properly qualified for their other duties, will be able to act as schoolmaster and schoolmistress also; and thus the engagement of other persons to these offices will be rendered unnecessary. Where schoolmasters and schoolmistresses have to be appointed, very moderate acquirements will suffice, if the parties be truly respectable, and if they have zeal and intelligence.

The surgeon should be required once a week at least to go through the whole of the prison, and to see every prisoner, making a written record of the result of his examination, and stating, at the same time, whether there are any causes of disease in operation, such as want of cleanliness, want of proper ventilation, &c. I would suggest that the surgeon's salary should be either a fixed sum per annum or a certain payment per head, according to the average number of prisoners.

Many advantages, in every point of view, that of economy among others, would, in my opinion, accrue from forming engagements with the governor of the chief prison in each district to undertake the superintendence, to a certain extent, of the smaller prisons in the same district. By his thorough acquaintance with the management of a prison he would be able, from time to time, to make many very useful suggestions, and to penetrate into the conduct and proceedings of the keeper in a way which can only be done by a person practically acquainted with the subject, and who can at once detect the indications of error, neglect, or fraud. I should anticipate great benefits, for example, from placing the local prisons within 20 or 30 miles round Glasgow under the general superintendence of Mr. Brebner.

The importance to the well-being of the prisons, of the subject to which the foregoing remarks relate, will, I trust, be received as an excuse for the length to which they have run.

I have the honour to be, my Lord,
Your Lordship's obedient Servant,
(Signed) Frederic Hill.

The Right Honourable the Viscount Melville, K.T., &c.

No. V.

Model Plans of Prisons.

General Description of Work, &c., to be done in executing the accompanying Plans of Prisons, at the estimated cost noted thereon.

Walls. All the walls to be of the best ruble work.

Ceilings of Cells. The cells to be 10 feet high, and the ceilings to be either arched with brick, set in mortar and nine inches deep, or to be formed of large flat hewn stones, seven inches thick.

Floors of Cells. The floors of the cells, corridors, &c., to be of large pavement, with two inches of wall hold. The pavement in the cells on the ground-floor to be laid on small broken stones grouted with lime.

Plaster. The walls and ceilings of the cells, corridors, &c., to be plastered with three coats of plaster.

Windows. The windows at the ends of the corridors to be made of timber and glazed, and made to open for ventilation. The windows of the cells to be placed as near the ceiling as possible, made of cast-iron, hung on a centre pivot, properly glazed, and made to open a few inches for the admission of air. All the windows to be secured by strong iron-bars on the outside, and to have hewn stone sills, lintels, and jambs, on both outside and inside of walls.

Doors of Cells. The doors of the cells to have hewn stone lintels, sills, and sides. The doors to be made of two-inch thick Memel timber, lined on the inside with strong sheet iron, fixed on with strong iron nails, with octagonal head and rivets, and each to have a strong lock and hinges, and proper inspection slit. Inspection slits to be also placed in the wall between the keeper's house and the corridors, stair-cases, &c.

Hammocks. Hammock hooks of iron to be fixed in the side-walls of each cell, placed two feet three inches up from the floor, and four feet six inches from the door.

Ventilation and Warming. The foul air from the cells to be drawn off by flues from an opening in the ceiling of each cell. These flues to be carried down the corridor walls, and to join a main foul air flue, to be placed under the pavement of the corridor on the ground-floor, and which will communicate with the flue from a stove to be placed in the same corridor, the heat from which stove will rarify the foul air, and make it pass off along with the smoke from the stove. During the summer months, when the heat from the stove is not required, a small fire may be placed at the bottom of the smoke flue to keep up the circulation of air in the cells and flues. The cells may be supplied with fresh air from the windows, or from the corridors, by small flues formed in the walls, along which the air will pass, and enter the cells through a perforated iron plate placed in the skifting. A stove to be placed in the corridor on the ground floor, and iron gratings to be put in the ceilings of the corridors, to permit the heated air to ascend and warm the upper corridors. The corridors to be supplied with fresh air in warm weather by the windows, and in cold weather by a flue communicating with the external air and opening near the stove.

Exercising Galleries. The exercising galleries are placed within the prison, so that a prisoner may be as secure in them as in the cells, and require no watching.

Drains. Proper drains to be carried round the outside of the prison walls, with communications from the bath-room, water-closets, &c. These drains to have the necessary cesspools, and to have a common sewer leading out from them with proper declivities.

Boundary Walls. It is very desirable that every prison should be enclosed by a boundary wall; but as the line of the wall must vary with the site, and as in many cases a wall may exist already, the wall is not laid down in these plans, or included in the estimated cost.

In all prisons of one story, not surrounded by a boundary wall, the cell windows must be formed in the roof, to prevent, as far as possible, communication from without.

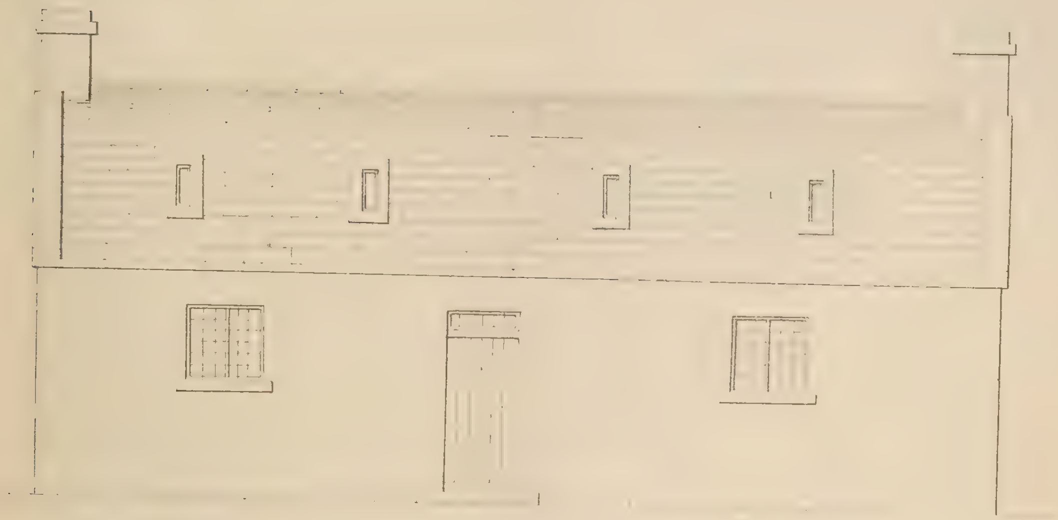
Thomas Brown,
3, North Charlotte Street, Edinburgh.

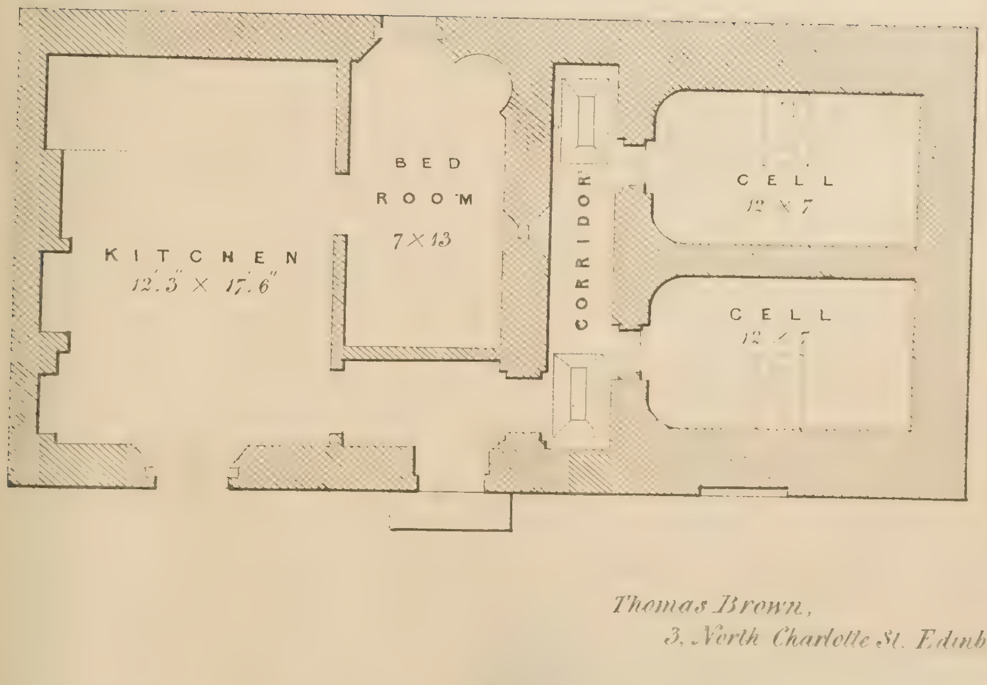
Appendix. No. V.

(No. 1.)

KEEPER'S HOUSE AND TWO CELLS

£ 180.




BED ROOM
7 × 13
KITCHEN
12. 3″ × 17. 6″
CORRIDOR
CELL
12 × 7
CELL
12 × 7

Thomas Brown,
3, North Charlotte St. Edinburgh

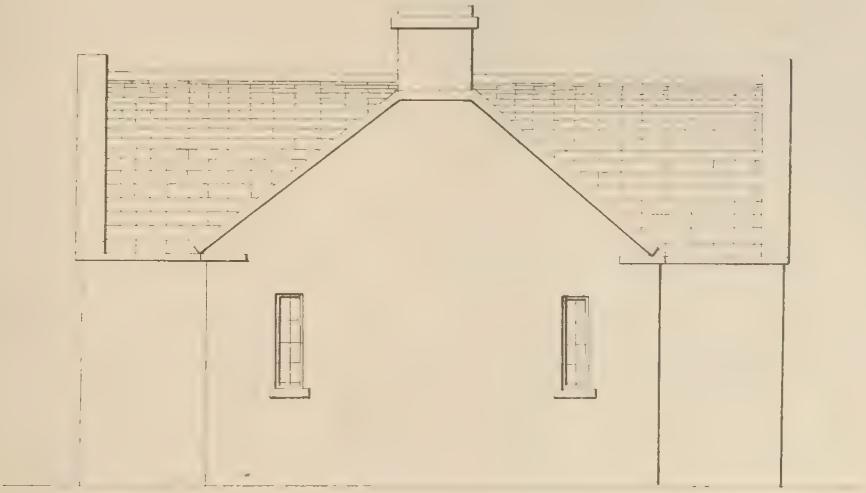
10
0
5
10
20
30 feet

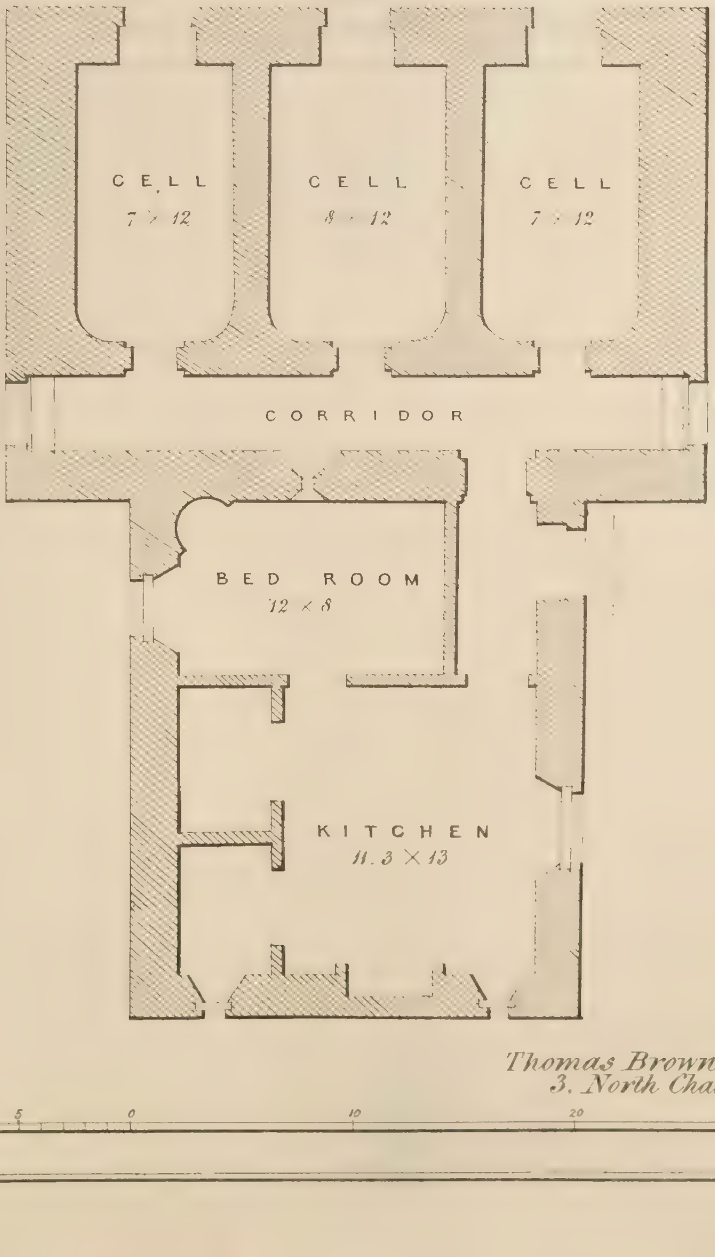
Scandidge & Cº Litho

(N. 2.)

KEEPER'S HOUSE AND THREE CELLS

£260



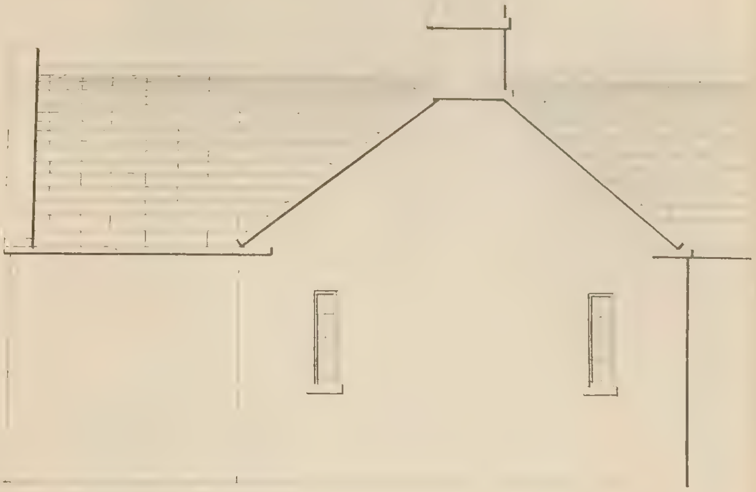

CELL
7 × 12
CELL
8 × 12
CELL
7 × 12
CORRIDOR
BED ROOM
12 × 8
KITCHEN
11. 3 × 13

Thomas Brown,
3. North Charlotte St Edinburgh

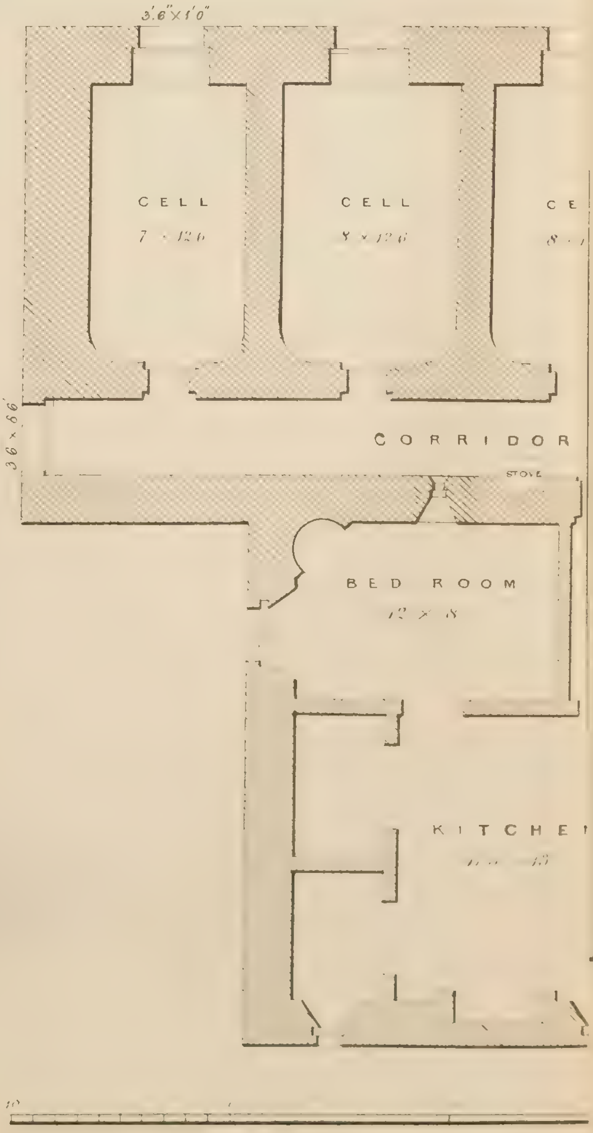
10
5
0
10
20
30 feet

Standidge & Co Litho

ELEVATION



PLAN


3'6"×1'0"
CELL
7 × 12 6
CELL
8 × 12 6
CE
8 ×
3'6 × 6'6
CORRIDOR
STOVE
BED ROOM
12 × 8
KITCHE
11 × 13

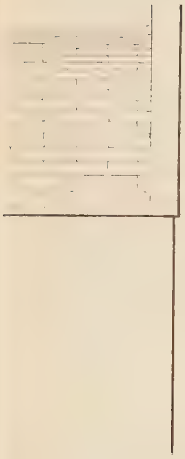
Appendix, N.º V.

(N.º 3.)

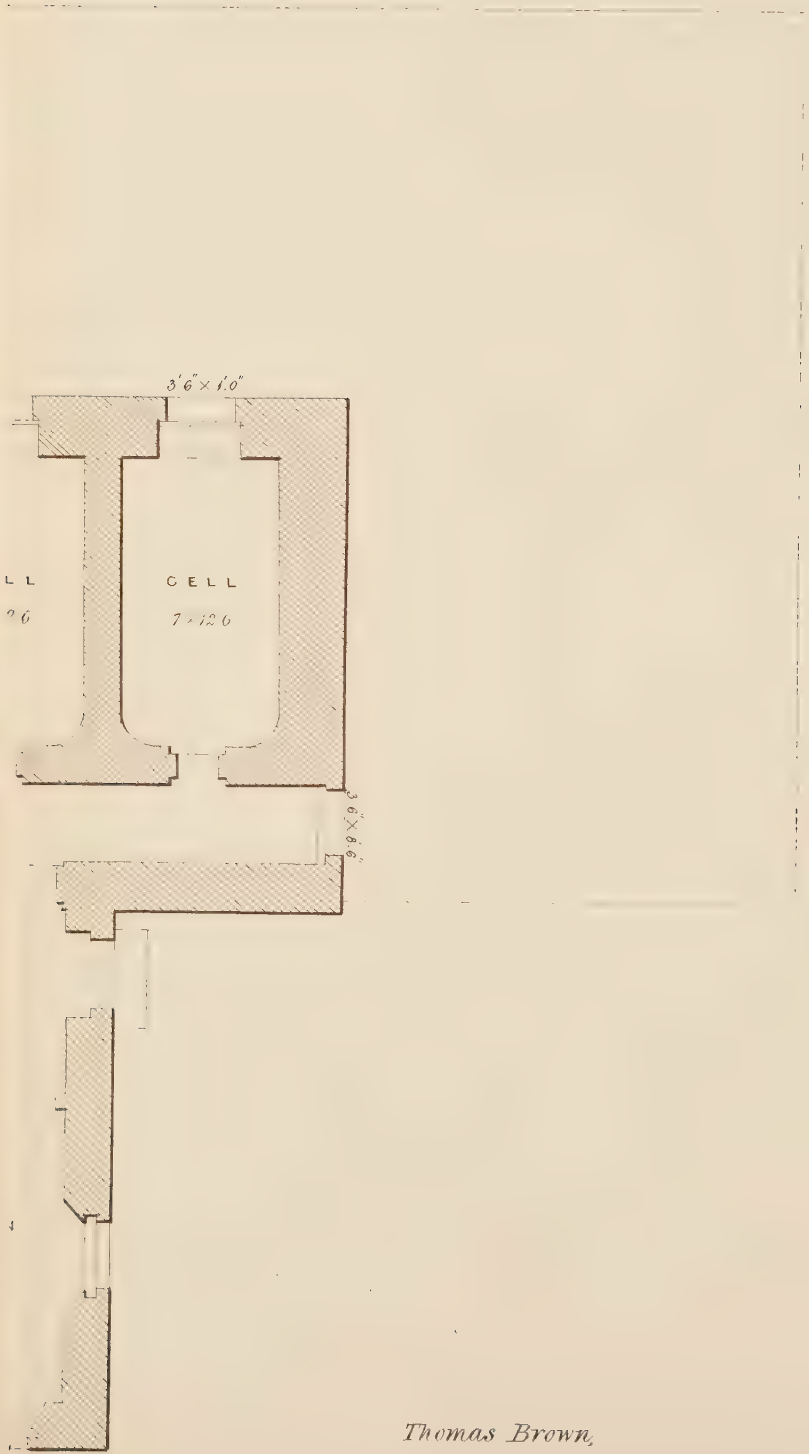
Containing a

KEEPER'S HOUSE
AND FOUR CELLS.

Probable Estimate of Cost, £380.

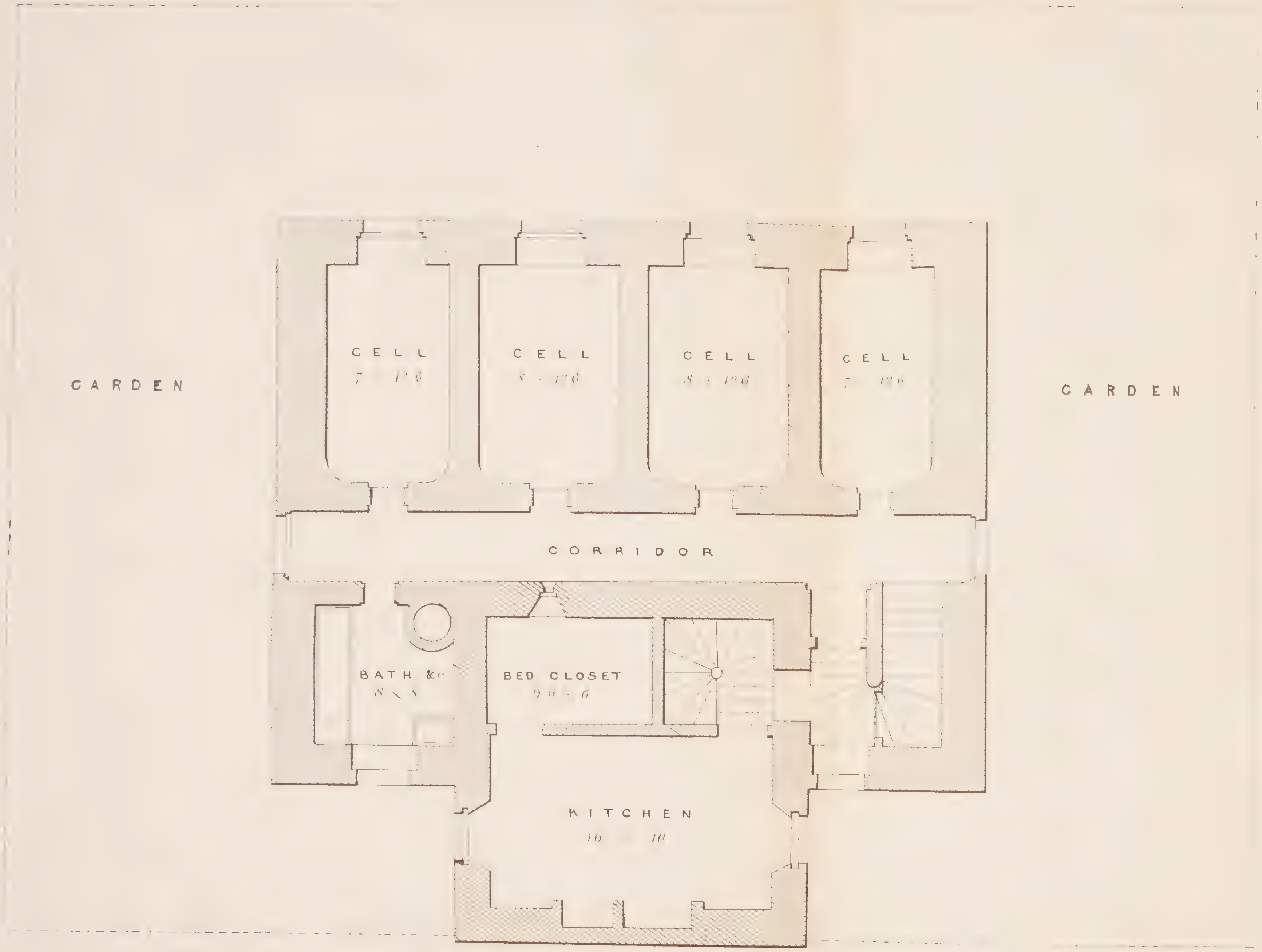


This Prison can be enlarged, either by adding to the number of Cells on the ground floor, or by taking off the Roof and building another Story. A stair to the upper Floor may be placed in the angle on the outside of the Prison door.



Thomas Brown,
3, North Charlotte St. Edinburgh

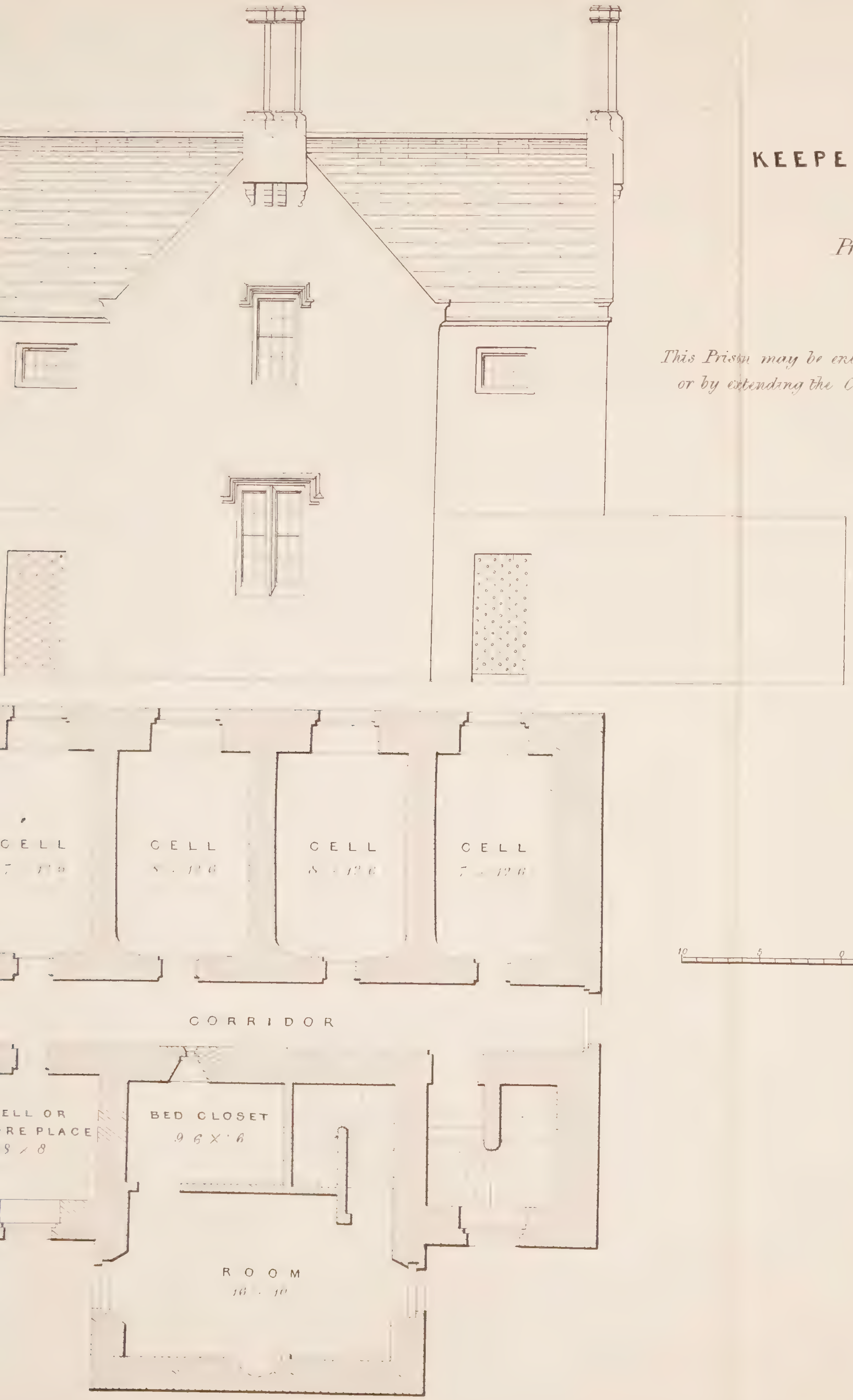
Standidge & Co. litho.


GARDEN
CELL
7 × 12'6
CELL
8 × 12'6
CELL
8 × 12'6
CELL
7 × 12'6
GARDEN
CORRIDOR
BATH &c
8 × 8
BED CLOSET
9'6 × 6
KITCHEN
16 × 10

GROUND FLOOR

ELEVATION

UPPER FLOOR


CELL
7 × 12 6
CELL
8 × 12 6
CELL
8 × 12 6
CELL
7 × 12 6
CORRIDOR
ELL OR
RE PLACE
8 × 8
BED CLOSET
9 6 × 6
ROOM
16 × 10

(No. 4.)

Containing

KEEPER'S HOUSE. NINE CELLS, BATH ROOM, &c.

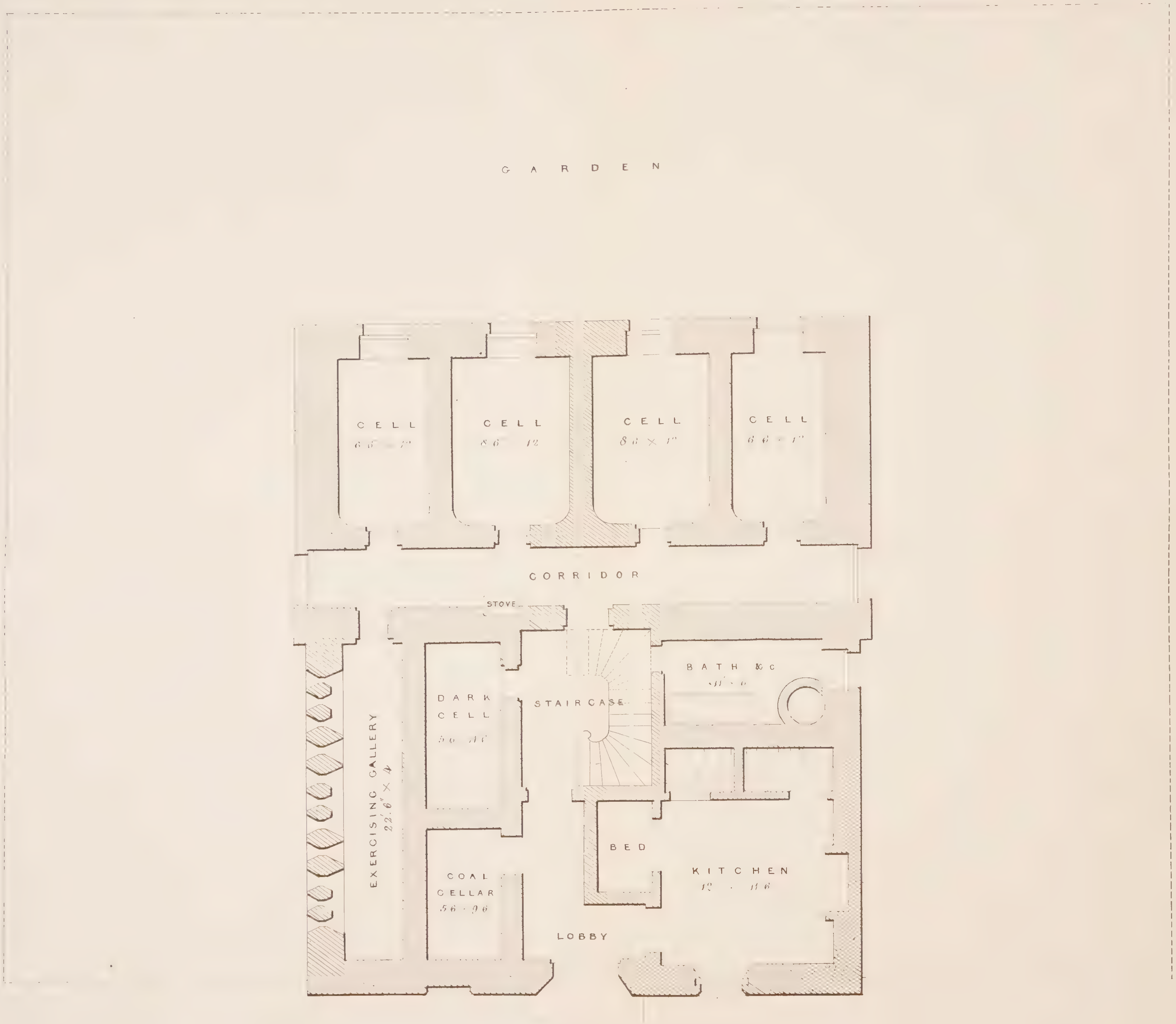
Probable Estimate of Cost £900.

This Prison may be enlarged by either raising the Roof and building another Story, or by extending the Corridor and adding to the number of Cells on the side of it

10
5
0
10
20
30 feet

Thomas Brown,
3, North Charlotte St Edinburgh

Standidge & Co. litho.

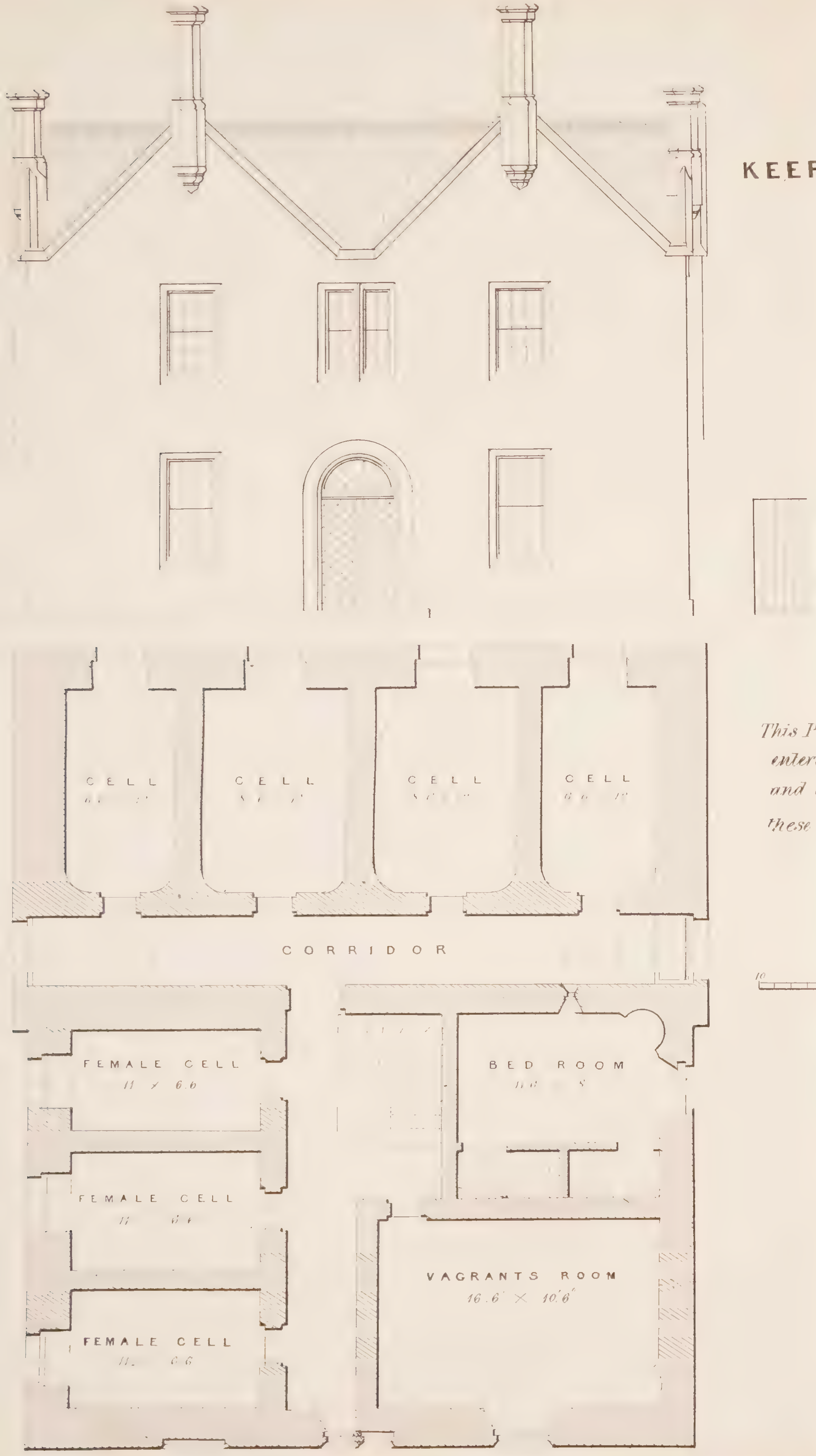

GARDEN
CELL
6 6 × 12
CELL
8 6 × 12
CELL
8 6 × 12
CELL
6 6 × 12
CORRIDOR
STOVE
BATH &c
11 × 6
DARK
CELL
5 6 × 11 6
STAIRCASE
EXERCISING GALLERY
22′ 6″ × 4
BED
KITCHEN
12 × 11 6
COAL
CELLAR
5 6 × 9 6
LOBBY

GROUND FLOOR

ELEVATI

UPPER F

Appendix. No V.


CELL
CELL
CELL
CELL
CORRIDOR
FEMALE CELL
11 × 6.6
FEMALE CELL
FEMALE CELL
BED ROOM
VAGRANTS ROOM
16.6 × 10.6

(No 5.)

Containing

KEEPERS HOUSE, TWELVE SMALL CELLS, ONE LARGE CELL, BATH ROOM, EXERCISING GALLERY, &c.

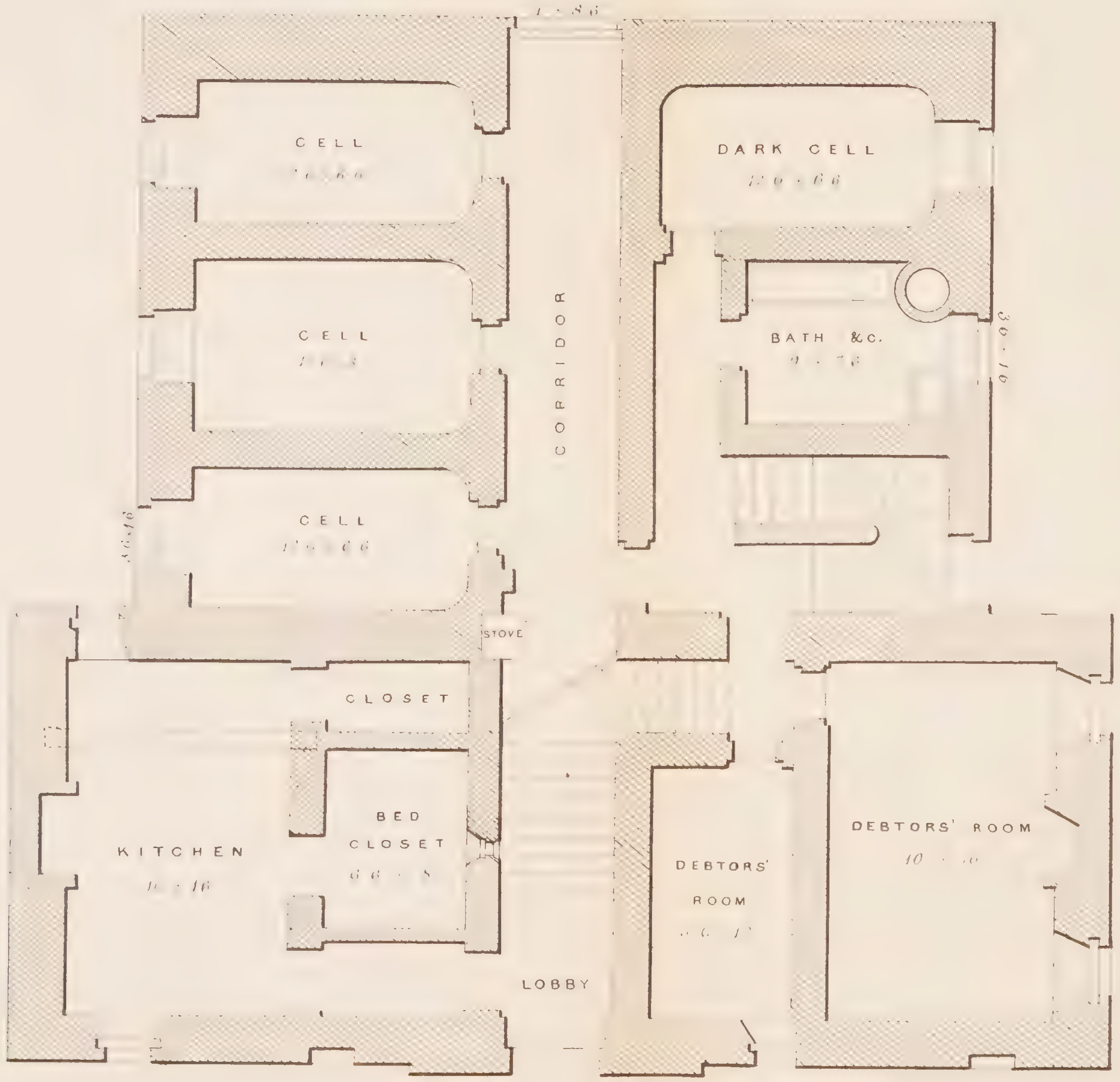
Probable Estimate of Cost £1200.

This Prison may be enlarged either by adding to the number of Cells entering from the Corridor, by extending the Building to the right and left, or by raising the Roof and building another story over these Cells or over the whole Building.

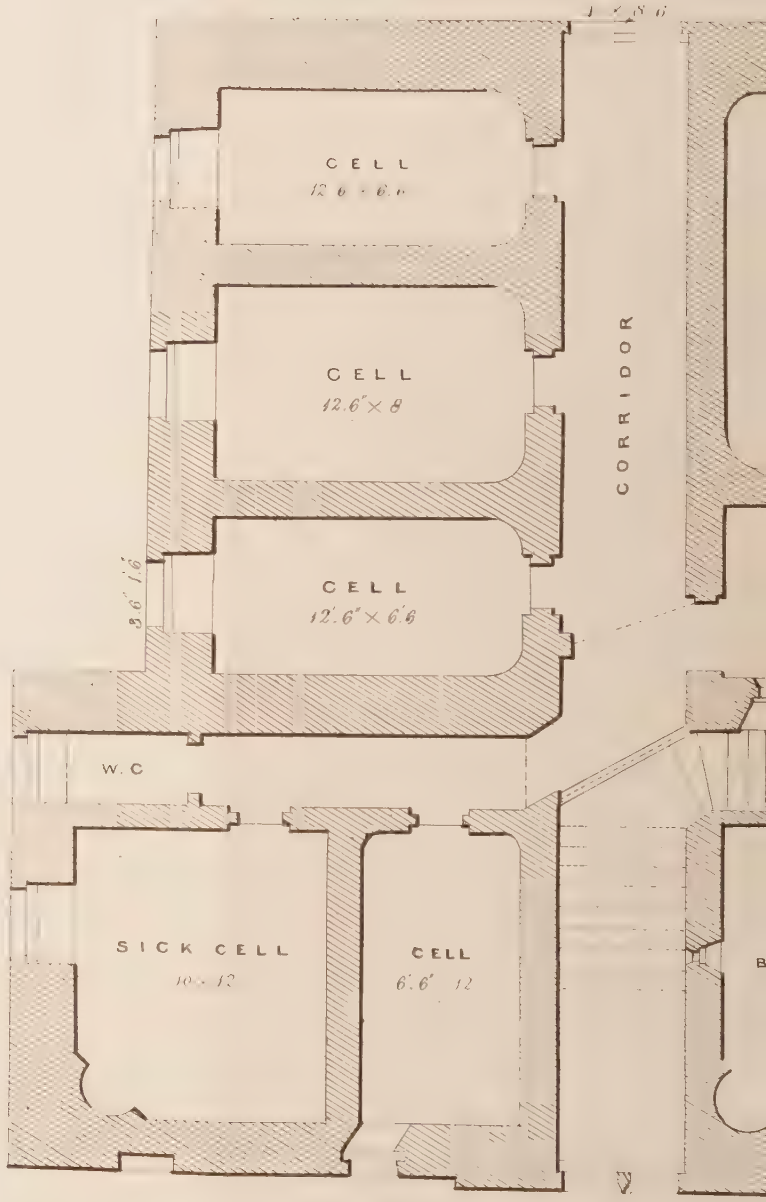
10
5
0
10
20
30 Feet

Thomas Brown,
North Charlotte St. Edinburgh

Standidge & Co. Litho.


CELL
CELL
CELL
CORRIDOR
DARK CELL
BATH &c.
30 · 16
STOVE
CLOSET
KITCHEN
BED CLOSET
DEBTORS' ROOM
DEBTORS' ROOM
LOBBY

GROUND FLOOR


CELL
12.6 × 6.6
CELL
12.6″ × 8
CELL
12.6″ × 6.6
3.6″ 1.6
CORRIDOR
W.C
SICK CELL
10 × 12
CELL
6.6″ 12
B

SECOND FLO

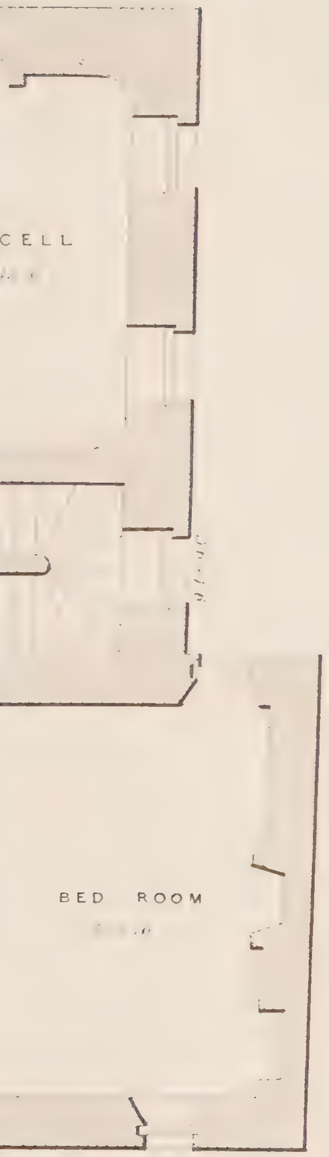
(N° 6.)

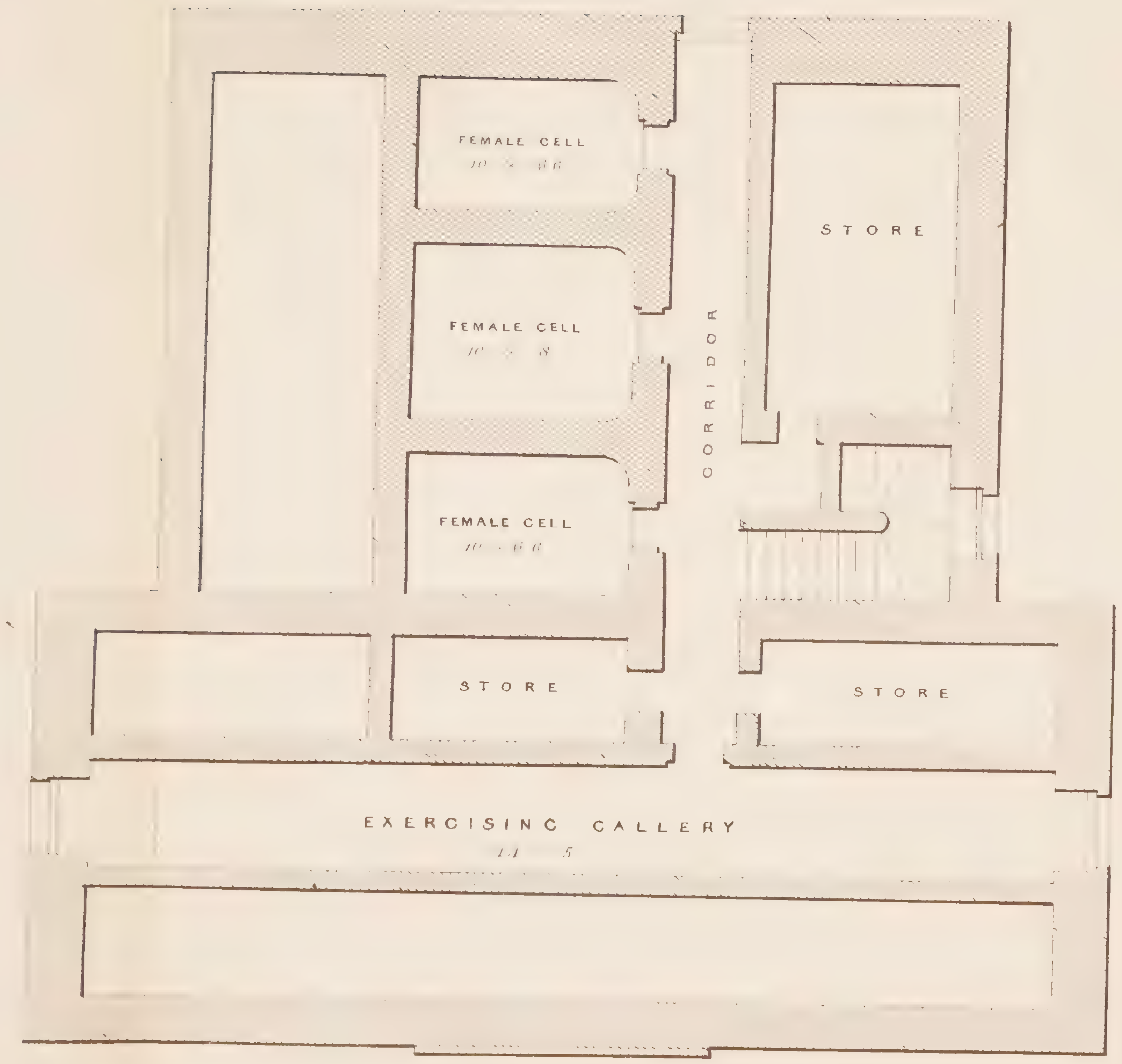
Containing

KEEPER'S HOUSE, TWO CELLS FOR DEBTORS, ONE LARGE CELL FOR VAGRANTS, TWELVE CELLS FOR CRIMINALS, AND BATH ROOM.

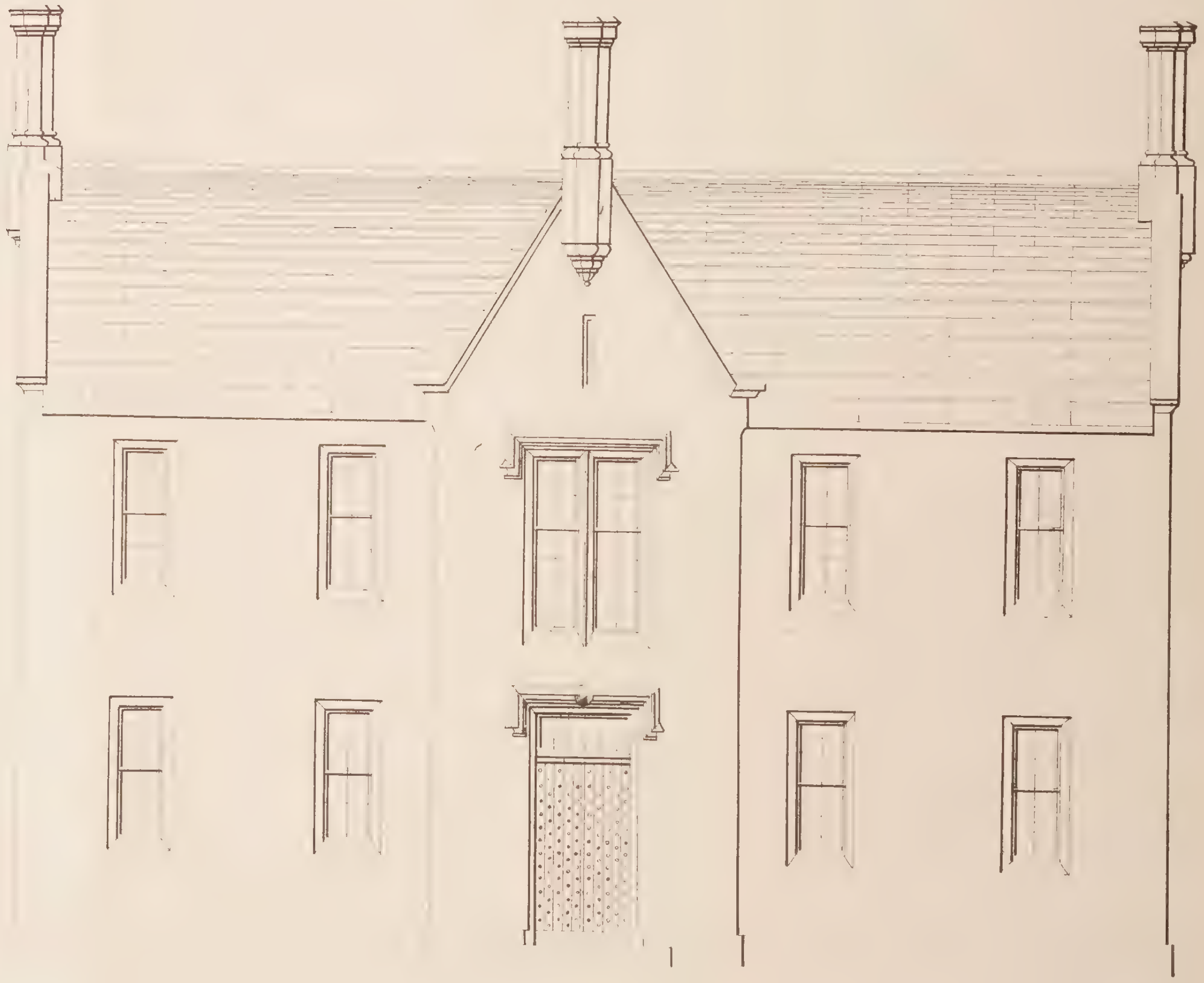
Probable Estimate of Cost £1400

This Prison may be enlarged by extending the corridor, and adding to the number of Cells on the side of it.


CELL
BED ROOM


FEMALE CELL
10 × 6 6
FEMALE CELL
10 × 8
FEMALE CELL
10 × 6 6
CORRIDOR
STORE
STORE
STORE
EXERCISING GALLERY
44 × 5

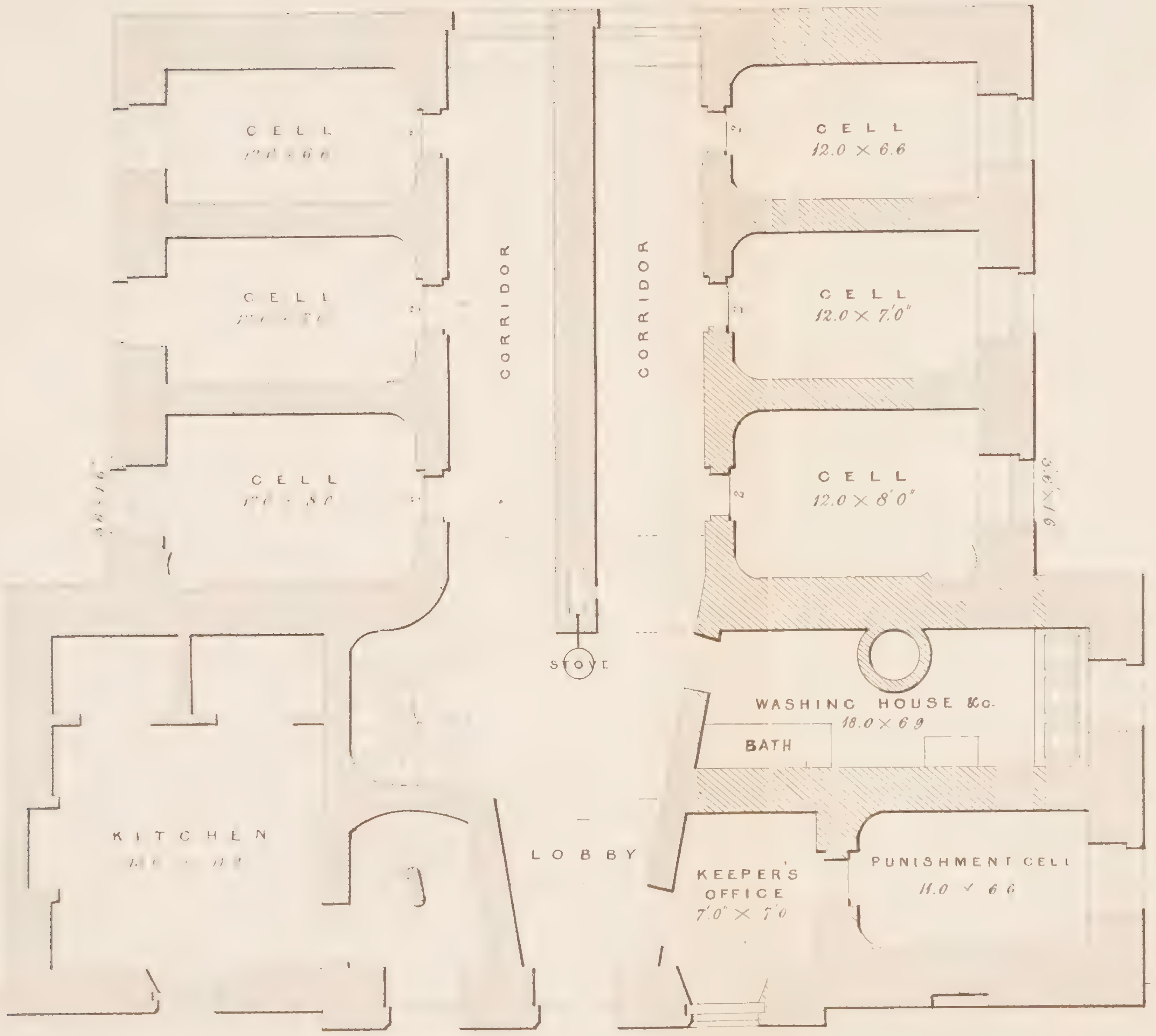
THIRD FLOOR



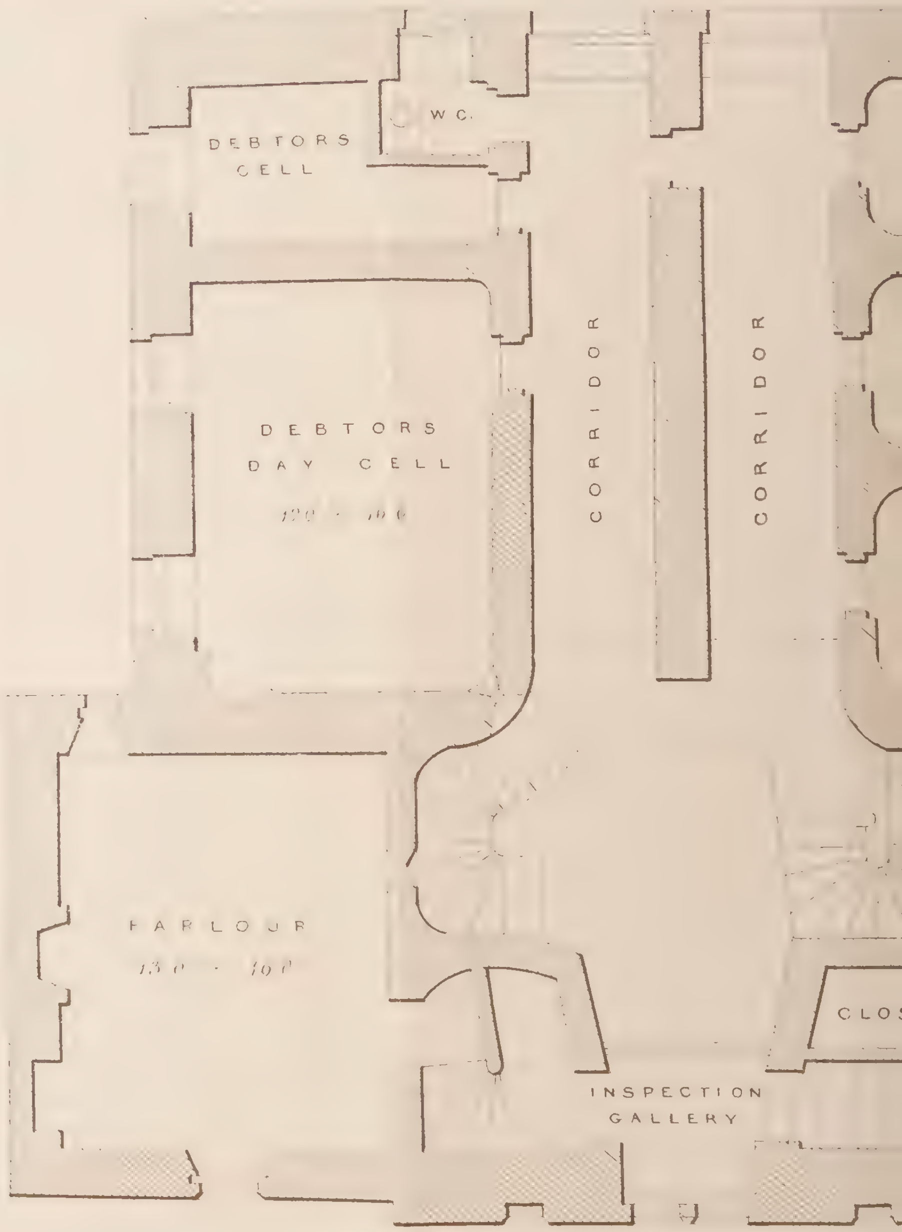
FRONT ELEVATION

Thomas Brown.
3, North Charlotte St., Edinburgh.

Standidge & Co. Lithog.


CELL
CELL
CELL
KITCHEN
CORRIDOR
CORRIDOR
STOVE
LOBBY
CELL
12.0 × 6.6
CELL
12.0 × 7.0"
CELL
12.0 × 8.0"
WASHING HOUSE &c.
18.0 × 6.9
BATH
KEEPER'S
OFFICE
7.0" × 7.0
PUNISHMENT CELL
11.0 × 6.6

GROUND FLOOR


W.C.
DEBTORS
CELL
DEBTORS
DAY CELL
PARLOUR
CORRIDOR
CORRIDOR
INSPECTION
GALLERY
CLO

SECOND FLOOR.

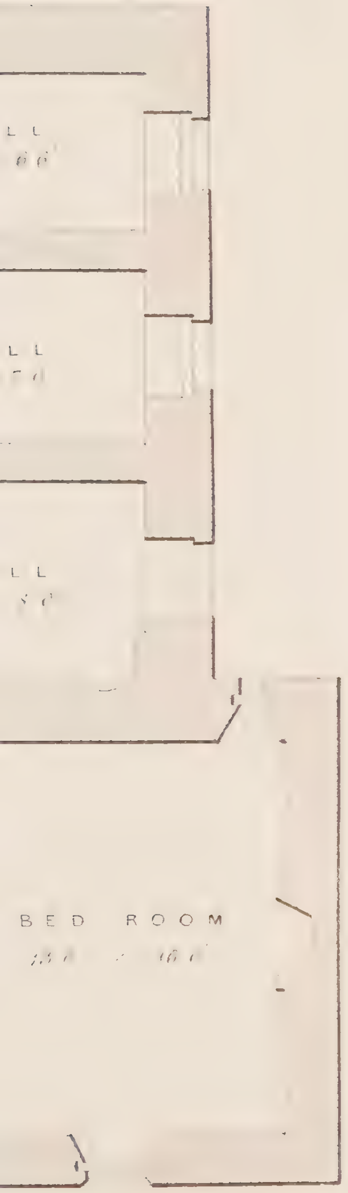
(No. 7.)

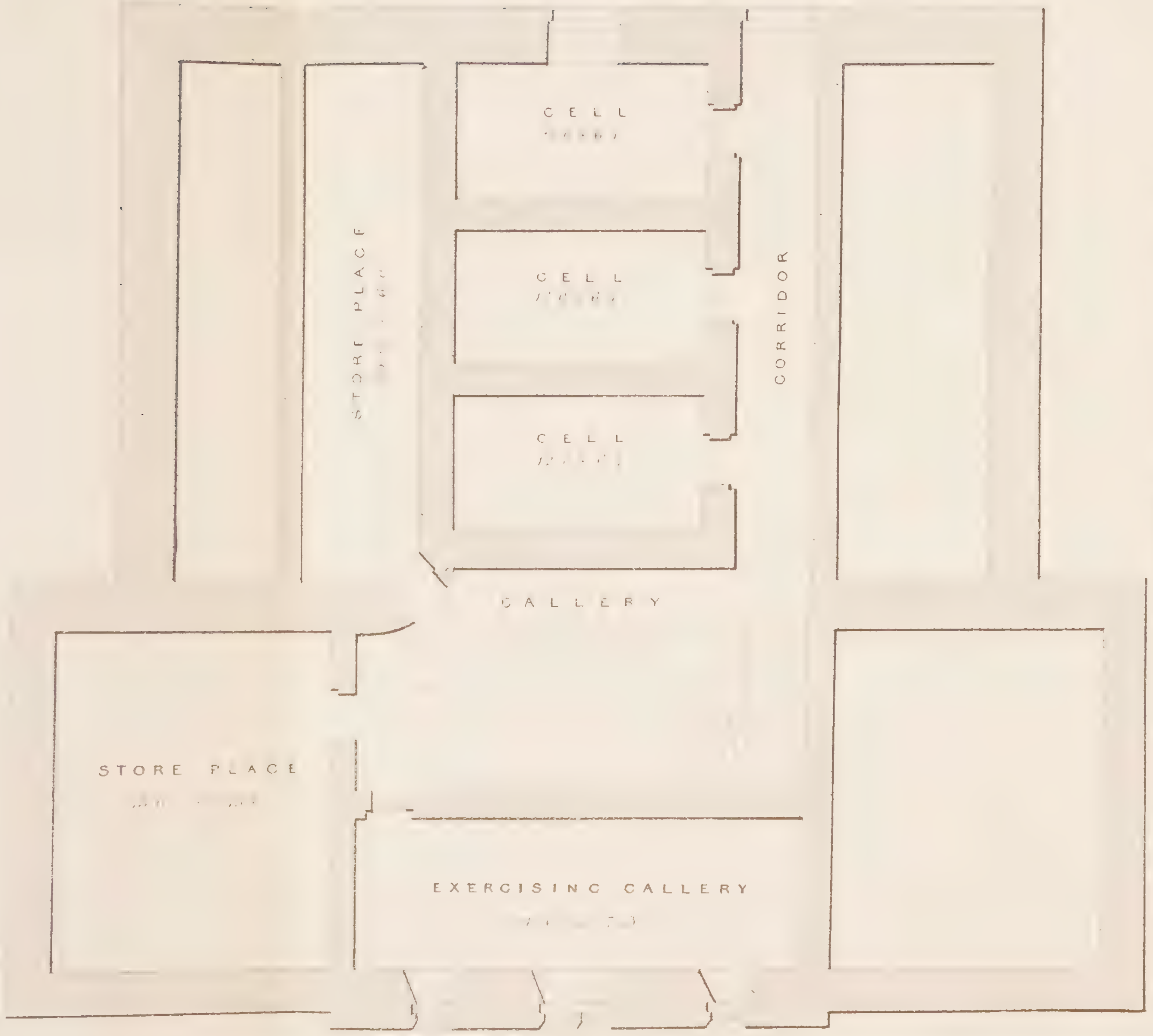
Containing a

KEEPER'S HOUSE THIRTEEN CELLS, TWO ROOMS FOR DEBTORS, WASHING HOUSE, KEEPERS OFFICE, EXERCISING GALLERY &c.

Probable Cost £1500

This Prison may be enlarged by extending the Corridors, and adding to the number of Cells on the sides of them.


ELL
LL
LL
BED ROOM


CELL
CELL
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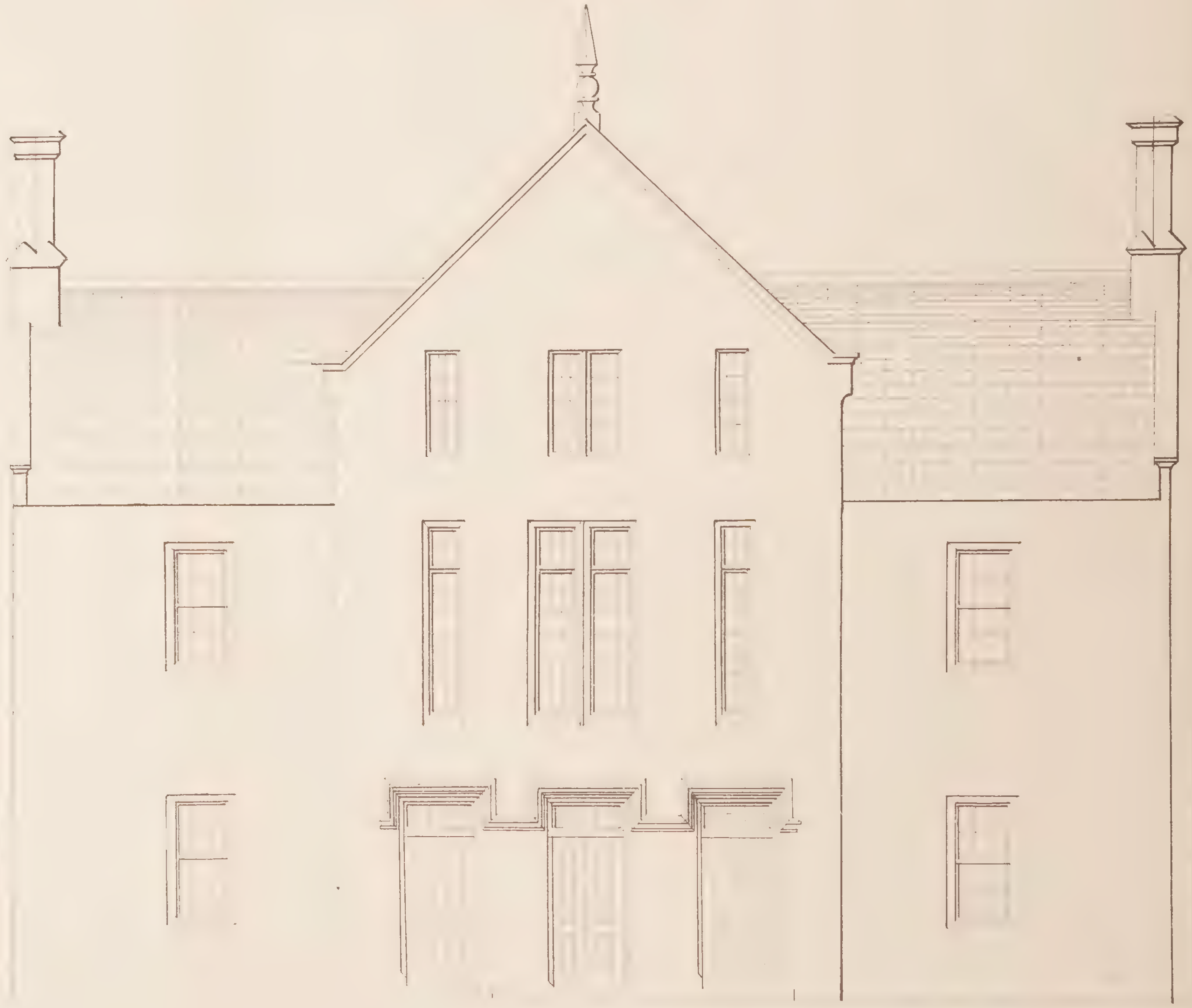
STORE PLACE
CORRIDOR
GALLERY
STORE PLACE
EXERCISING GALLERY

THIRD FLOOR.



FRONT ELEVATION

Thomas Brown,
3, North Charlotte St. Edinburgh.

Standidge & Co. litho.

No. VI.

INTRODUCTORY Rules for Prisons made by the General Board of Directors of Prisons in Scotland, and submitted to one of Her Majesty's principal Secretaries of State for his Certificate, in terms of the Act 2d and 3d Vict. c. 42, sect. 7, with Certificate of approval by the Secretary of State.

RULES OF GENERAL APPLICATION.

I. *Contracts.*—Every new prison to be built, and all extensive alterations or repairs to be made by public contract; and no contract of any kind, whether for building or for the supply of food, fuel, clothing, or any other articles of consumption or use, to be entered into except by tender, and after due public notice in the county in which the contract is to be made.

II. *Officers.*—1. A sufficient number of well-qualified officers to be procured for the constant and efficient superintendence and management of the prisoners, without entrusting any authority to prisoners themselves, and without employing the prisoners in any way which brings them into contact with each other. In prisons of the first and second class female officers must be engaged to take charge of the female prisoners.

2. Every governor or keeper of a prison must be required to give security for the faithful performance of his duties, to an extent corresponding with the nature of his duties, and the amount of his salary.

3. No appointment of any kind must be made on any other ground than that of superior qualifications.

4. No person to be appointed to any office who is more than 40 years old, except under peculiar circumstances, to be specified and recorded in each instance, and to be reported for the approbation of the General Board. In ordinary cases it is recommended that a preference be given to persons from 25 to 35 years of age.

5. A notification of every new appointment to an office to be made without delay to the General Board, containing, in the case of the chaplain or surgeon, the name, age, and place of residence of the person appointed; and in that of the keeper, and every other officer, the name, age, previous occupation and place of residence, character and qualifications. In every case, too, it must be stated what salary it is proposed to give. The foregoing notification to extend to all appointments made before the receipt of these rules.

6. The officers of a prison must at all times conduct themselves towards the prisoners with kindness and good temper, yet with firmness and self-respect; alike avoiding angry or harsh expressions, and such as are jocular or familiar.

III. *Warming and Ventilating.*—Every prison to be properly warmed, and to be kept well ventilated.

IV. *Lighting.*—When the day-light is insufficient for the prison hours, the prison to be lighted by gas, lamps, or candles, both in the morning and evening, except where, from the present construction of the prison, there would be danger of fire.

V. *Cleanliness.*—The whole prison to be kept at all times perfectly clean.

VI. *Female Prisoners.*—Female prisoners must always be kept quite apart from male prisoners.

VII. *Exercise.*—Except in lock-up houses, where prisoners are not confined for more than a few days, every prisoner must have an opportunity of taking daily exercise either in the open air, or in a room with several openings to the air.

VIII. *Visits of Officers.*—Every prisoner to be visited by the keeper or matron every day, and by the chaplain every week, and as much oftener as possible. Any prisoner who is not a member of the Established Church of Scotland may be visited by a minister of the church to which he belongs.

IX. *Sundry Prohibitions.*—Spirituous liquors of all kinds to be wholly excluded; and no smoking, card playing, or game of chance of any kind, no profane or abusive language or quarrelling, and no whistling, singing, or loud or disturbing noise of any sort to be permitted on the part of any prisoner, whether criminal or civil. Every attempt to introduce spirituous liquors into a prison must be immediately reported to the proper authorities for prosecution, and reported also to the clerk of the County Board, and to the secretary of the General Board.

X. *Surgeon.*—The surgeon to go through the whole prison, and see every prisoner at least once a-week, making a written record of the result of his examination, and stating at the same time whether there be any causes of disease in operation, such as want of cleanliness, or want of proper ventilation. He shall keep a register of sickness, according to the annexed form. No person to be allowed to visit any prisoner, civil or criminal, as a medical attendant, except the regular surgeon of the prison, unless by a special order, with cause assigned, given by the keeper of the prison, or in such other way as the County Board may direct.

XI. *Registers.*—The following registers to be kept according to the annexed forms:—

1. *Register of Criminal Prisoners.*—Register, No. 2, to be kept in all prisons to which prisoners are committed, till liberated in due course of law, or in which prisoners are detained under any circumstances for more than one month. Register, No. 1, to be kept in all other prisons, unless a special exception be made.
2. *Register of Civil Prisoners.*

3. *Daily Statement of Prisoners.*—To be kept in all prisons where the daily average is not less than three prisoners, unless a special exception be made.
4. *Register of Sickness.*
5. *Register of Punishments.*
6. *Register of Visits to Criminal Prisoners.*

Also the following, of which forms are not annexed:—

7. *Complete Account of Receipts and Expenditure.*
8. *Keeper's Journal.*—To contain a record of all remarkable events, (such as an attempt to escape, the death of a prisoner, &c.) and a statement of all suggestions which may occur to the keeper for the improvement of the prison, either in the building, the rules, or in any other way; and of all repairs, &c. required.
9. *Inspection Book.*—To contain the dates of all visits of inspection by members of the County Board, with the names of the parties, and the nature, extent, and result of the inspection.

RULES APPLICABLE TO CRIMINAL PRISONERS, WHETHER TRIED OR UNTRIED, BUT NOT TO APPLY TO CIVIL PRISONERS.

XII. *Separation.*—The principle of individual separation to be carried as far as the size and construction of each prison will admit, and as far as is consistent with the provisions of the 28th section of the Prisons' Act, which direct "that no cell shall be used for the separate confinement of any prisoner which is not of such a size, and lighted, warmed, and ventilated, and fitted up in such a manner as may be required by a due regard to health, and furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison; and that every prisoner so confined shall have the means of taking air and exercise at such times as may be deemed necessary by the surgeon; and shall be furnished with suitable labour or employment, unless it shall be deemed advisable by the General Board to make and certify a regulation for withholding for a period or periods, not exceeding one calendar month at any one time, such labour or employment." Where it is not practicable, for want of proper accommodation, to separate all the prisoners individually, separate cells should if possible be at least provided for such of the untried prisoners as may wish to be alone, and for such prisoners, whether tried or untried, as may be insubordinate, or disposed to exercise a pernicious influence over their fellow prisoners. Under all circumstances, however, convicted prisoners must be separated from the unconvicted.

XIII. *Food.*—All money allowances to be abolished, and a cheap but wholesome and sufficient dietary to be adopted in every prison. Where milk can readily be got, no fermented liquor must enter in any form into the dietary; but where milk is scarce, small beer may be given. In the supply of the dietary, neither the keeper, nor any other officer of the prison, to have any pecuniary interest.

XIV. *Visits of Officers.*—Including the visits for the supply of food, inspecting and changing work, &c., every prisoner in a separate cell to be visited by some officer of the prison at least 10 times in each day.

RULES APPLICABLE TO CONVICTED PRISONERS ONLY.

XV. *Prison Hours.*—The time for rising not to be later than six o'clock at any season of the year, and the time for going to bed not earlier than nine o'clock.

XVI. *Work.*—All convicted prisoners to be supplied with useful and productive labour, and to be required to perform a daily task, equal to what may reasonably be expected to occupy them ten hours, excepting in cases of extreme youth, old age, or debility. The profits from over-work to be placed to the prisoner's credit; and to be paid to him after liberation, in such form and in such instalments as the keeper may think best. The keeper to decide upon the real amount of profits.

XVII. *Clothing.*—All convicted prisoners to be supplied with a complete prison dress.

XVIII. *Cleanliness.*—Every convicted prisoner to be required to wash himself thoroughly at least once a-day, Sundays inclusive, and to wash his feet once a-week; and, unless specially excepted by an order of the keeper or surgeon, or by some other authority derived from the General or County Board, to be required to go into the bath at least once a-month. The prisoners to be furnished with soap, towels, and combs. Each male prisoner to be supplied with a clean shirt and handkerchief, and with clean stockings, and each female prisoner with a clean shift, handkerchief, and cap, and with clean stockings at least once a-week. Every prisoner to be required to keep his clothes, cell, and everything in his possession, constantly neat and clean, and to have everything in its proper place. Male prisoners to be shaved at least once a-week.

XIX. *Instruction.*—Every prisoner sentenced to three months' confinement, or upwards, and who is unable to read and write easily, to receive instruction in reading and writing.

XX. *Visits and Supplies from without.*—No visit to be allowed to a convicted prisoner, except under very peculiar circumstances; and even then no visit must be permitted from a person of suspicious character, or who is known ever to have been convicted of an offence. No supplies of food, or of any other article whatever, from without, to be allowed to a convicted prisoner, under any circumstances.

XXI. *Punishments.*—When possible, the punishment employed should be such as naturally arises from the offence. Thus, if a prisoner be idle, part of his allowance of food for a time should be withdrawn; and in order that he may feel the value, and even the pleasure of work, his cell should, if he persist in his idleness, be emptied of every article which can afford employment to the mind or muscles, and the prisoner thereby kept in a state of compulsory inactivity, until he applies for leave to work again, and promises to perform his task regularly. If a prisoner injure anything in his cell, he should, if possible, be deprived for a time of the use of the article, and he should be required, either by additional labour, or by being put on a smaller or coarser diet, to pay the cost of the necessary repair, or at least part of it. If a prisoner be turbulent, he should, if possible, be removed from his usual cell to an unfurnished cell, in a distant part of the building; the cell, too, may, if necessary, be dark, and the prisoner may be put in irons; but is not to be kept in irons, or in a dark cell, more than seven days consecutively. Under good management, and if the prison be properly constructed, very little punishment will be found necessary, but where requisite, such kinds of punishment as the foregoing, to the entire exclusion of corporal punishment, may be inflicted, to such amount as is not inconsistent with health, by order of the keeper of the prison, if the County Board are of opinion that he can safely possess that authority, or of such other person as the County Board may appoint. The keeper, however, must be best acquainted with the circumstances of each case, and if he have been well chosen, he will be a person to whom such a power can be safely entrusted. A full statement of every punishment must be made in the *Register of Punishments.*

RULES APPLICABLE TO UNTRIED PRISONERS ONLY.

XXII. *Prison Hours.*—The hours for untried prisoners to be the same as those for convicted prisoners, subject, however, to any modifications in particular cases which the County Board may direct.

XXIII. *Work.*—All untried prisoners, who may desire it, to be supplied with useful and productive labour; the profit to be placed to the prisoner's credit, and to be paid to him, after liberation, in such form, and in such instalments, as the keeper may think best. The keeper to be the judge of the real amount of the profits.

XXIV. *Clothing.*—Every untried prisoner, who desires it, to be supplied with a complete prison dress, except those confined in police prisons, and in lock-up-houses, where prisoners do not remain more than a few days: and every untried prisoner, who has either been previously convicted of an offence, or whose clothes are dirty, or against whom there may be reasonable suspicion of his having concealed instruments of escape, or other improper articles about him, to be deprived of his own clothes, and to be supplied with a prison dress, whether he desire it or not.

XXV. *Cleanliness.*—Every prisoner to be required to wash himself thoroughly, at least once a-day, Sunday inclusive, and to wash his feet once a-week. The prisoners to be supplied with soap, towels, and combs. Each untried prisoner's linen, whether it belong to himself or not, to be washed at least once a-week, at the expense of the prison funds, and under the same superintendence as the washing of the linen of the convicted prisoners. Every prisoner to be required to keep his clothes, cell, and everything in his possession, constantly neat and clean, and to have every thing in its proper place.

XXVI. *Visits and Supplies from without.*—Visits to be allowed to untried prisoners, at such reasonable times, never extending beyond the time of broad day-light, as may be fixed by the County Boards, and under such regulations as the County Boards may deem necessary to prevent improper communication. No visit must, however, be permitted from a person of suspicious character, or who is known ever to have been convicted of an offence. No supplies of food or of any other article from without to be allowed to untried prisoners, except under peculiar circumstances, to be judged of by the keeper.

XXVII. *Punishments.*—Untried prisoners to be subject to the same kinds of punishment, under the same regulations, for refractory behaviour, or other misconduct, as convicted prisoners; it being borne in mind, however, that there are certain rules to which the convicted are subject, from which the untried are exempt. Should any untried prisoner abuse any privilege which is granted to him, the privilege must for a time be withdrawn.

RULES APPLICABLE TO CIVIL PRISONERS ONLY.

XXVIII. *Separation.*—Civil prisoners must always be kept apart from criminal prisoners, but they need not be kept separate from each other, except as relates to the different sexes.

XXIX. *Work.*—All civil prisoners who may desire it to be supplied with useful and productive labour, the profit to be placed to the prisoner's credit, and to be disposed of in any reasonable and proper way that he may wish, subject, however, to the control of the County Board, so far as may be necessary to protect the civil prisoner from the supply of work acting in any way to remove from creditors the liability of providing aliment to civil prisoners, who are unable to procure funds for their own support. The keeper to be the judge of the real amount of the profits.

XXX. *Food.*—Every civil prisoner who is willing to work, and who performs the same quantity as that allotted to criminal prisoners, to be permitted, if he wish it, to have the ordinary prison dietary, subject to the control of the County Board, as in the case of work; the cost, including cooking, &c., to be deducted from the profits of his labour. Any civil prisoner also who declines working to be allowed the prison dietary, if he pay for it, or if it be paid for on his account. Civil prisoners may receive supplies of food from without; but, in order to prevent the introduction of spirituous liquors, in the various ways in which they may be disguised, and to prevent the introduction of other improper articles, such supplies must only be furnished by a person to be chosen either by the keeper or County Board, as the latter may direct, but not to be an officer of the prison, who shall give security, by lodging in the hands of the treasurer, or clerk of the County Board, a sum of at least 10*l.*, and he will not send, or suffer to be sent, any spirituous liquor, or any other forbidden article; which security shall be forfeited, in whole or in part, by order of either the General or County Board, in case any such spirituous liquor, or other forbidden article, be introduced. The fermented liquor admitted must only be in such moderate quantities as cannot possibly cause intoxication.

XXXI. *Cleanliness.*—Every civil prisoner to be required to keep his person, his room, and everything under his care or in his possession, at all times clean and neat.

XXXII. *Exercise in the Open Air.*—Civil prisoners to be allowed to take exercise in the airing yard, as often as the general convenience of the prison will admit.

XXXIII. *Visits from without.*—Visits to be allowed to civil prisoners at such reasonable times, never extending beyond the time of broad day-light, as may be fixed by the County Boards, and under such regulations as the County Boards may deem necessary to prevent improper communication, especially between persons of different sexes, and to prevent the conveyance of improper articles. No visit, however, must be allowed from a person of suspicious character, or who is known ever to have been convicted of an offence.

XXXIV. *Punishments.*—Any civil prisoner who abuses any privileges allowed him, as distinguished from a criminal prisoner, to lose such privilege for a time. Thus, if a civil prisoner should become intoxicated, he must for a time be debarred the use of fermented liquor altogether; and if, whilst under this restriction, he should succeed in obtaining a supply of fermented liquor from any of the other civil prisoners with whom he associates, he must be placed for a time in a state of complete separation. If a civil prisoner be noisy or refractory, also, he should be separated; and if he be dirty, either he should be separated, or some other restriction should be imposed until he has conformed to the rule respecting cleanliness.

GENERAL RULES.

XXXV. *Control of Authority.*—The powers assigned to the keeper, or any other officer of a prison, to be always subject to the control of the County Board; and the same powers, and also the powers assigned to the County Boards, to be always subject to the control of the General Board.

XXXVI. *Application of the Rules to both Sexes.*—So far as is consistent with what is necessarily peculiar to each sex, every rule relating to male prisoners or to male officers, is to apply equally to female prisoners and to female officers.

XXXVII. *Interpretation of the Rules.*—The keeper of every prison to have power to determine the precise meaning of every rule, so far as relates to the prisoners or to the subordinate officers; and to decide what constitutes an infraction of any rule.

XXXVIII. The County Boards to have power, subject, like all their other powers, to the control of the General Board, to suspend the operation of any rule, in whole or in part, made from time to time by the General Board, provided they give immediate information on the subject to the General Board; and to have power to retain any rules heretofore existing which may be consistent with the rules made from time to time by the General Board, or to lay down additional rules, provided such additional rules be in like manner consistent with the rules made by the General Board, and provided in all cases that the rules retained or added by the County Boards be immediately reported to the General Board for their approbation.

XXXIX. The General Board to have power, in cases where it shall think proper, to suspend the operation of any rule, in whole or in part, whether made by themselves or by the County Boards, or to dispense with it altogether.

The foregoing introductory rules for the government of prisons in Scotland having been submitted to me, I hereby certify that they are proper to be observed and enforced.

(Signed) NORMANBY.

Whitehall, July 27, 1840.

RULE made by the General Board of Directors of Prisons in Scotland, at their meeting on the 2nd day of November, 1840, and submitted to one of Her Majesty's principal Secretaries of State, for his Certificate in terms of the Act 2 and 3 Vic., cap. 42, sec. 7.

The General Board to have power, from time to time, to vary, alter, or add to the Forms of the Registers directed to be kept by the eleventh introductory rule for prisons, made by the General Board, and certified by the Secretary of State, on 27th July, 1840, in such manner and to such extent as the said General Board may deem proper.

I certify that the foregoing rule is proper to be observed and enforced.

(Signed) PALMERSTON.

Home Office, November 7, 1840.

I.—Register of Criminals, No. 1.

							Residence.			Description.							
										Height.							
Current Number.	Date of Admission.	By whom Committed.	Name.	Male or Female.		Age.	Where Born.	Late Residence.	Where he has passed the greater part of his life.	Feet.	Inches.	Complexion.	Hair.	Eyes.	Marks, &c.		Offence. [State the precise Offence; as, in the case of Theft, the article stolen, &c.]
				M.	F.												

tate of Prisoner on Admission.					Previous Imprisonments.		Liberated without Trial.		Tried.					Liberated or removed after conviction, and if removed, to what place.				
Clean or dirty?	Sober, partially intoxicated, or drunk?	Clothes in good repair or ragged?	Did the Prisoner come in direct after arrest? If not, from what Prison.	Ordinary Occupation.	Number of Times in this Prison before.	Last Current Number.	When.	By whose authority.	When.	By whom.	Convicted or Acquitted.		Sentence.	When.	By whose authority.	To what place.	Number of Days in Prison.	Conduct during confinement.
											Con.	Acq.						

1.—Register of Criminals.—No. 2.

							Residence.			Description.							State of Prisoner on Admission.			
										Height.										
Current Number.	Date of Admission.	By whom Committed.	Name.	Male or Female.		Age.	Where Born.	Late Residence.	Where he has passed the greater part of his Life.	Feet.	Inches.	Complexion.	Hair.	Eyes.	Marks, &c.	Offence. [State the precise Offence; as, in case of Theft, the article stolen, &c.]	Clean or Dirty.	Sober, partially Intoxicated or Drunk.	Clothes in good repair or ragged.	Did the Prisoner come in direct after Arrest? If not, from what Prison?
				M.	F.															

Trade, &c.		Previous Imprisonments.		Committed till Liberated in due course of Law.		Liberated on Bail.		Liberated without Bail.		Tried.					Liberated or Removed after Conviction, and if removed, to what place.		
as the Prisoner a knowledge of any Trade, &c. or been brought up to any regular employment?	Ordinary Occupation.	Number of times in this Prison before.	Last Current Number.	When.	By whom.	When.	By whom.	When.	By whom.	When.	By whom.	Convicted or Acquitted.		Sentence.	When.	By whose authority.	To what place.
												Con.	Acq.				

REGISTER OF CRIMINALS, (No. 2.)—*continued.*

EDUCATION. Entries under this head must never be made from the Prisoner's own report, but from actual trial; and in ascertaining whether a Prisoner can read well, care must be taken to try him in matter which he probably had not read before.								Employed or unemployed at time of committing Offence.	Time in Prison.	Conduct during Confinement.	In what respects improved in Habits during Confinement.	In what respects improved in Education.	In what respects improved in knowledge of a trade, &c.	Average Weekly Profits of Prisoner's Work.	Total Amount earned by over Work.	Period during which this over Work was performed.	Can the Prisoner now earn an honest livelihood, if he obtains a situation?	Is it expected that he will obtain a situation?	Is it expected that he will henceforth live honestly and quietly?
Can he read at all?	Can he read with difficulty?	Can he read well?	Can he write at all?	Can he Sign his Name merely?	Can he Write with difficulty?	Can he Write well?	Has his education been superior to one of mere Reading and Writing?												

NOTE.—None of the columns after those relating to Education need be filled up, for the present, in cases where the Prisoner is sentenced to less than three months' confinement.

SPECIMEN, showing the way in which to Keep

Dates.	Current Number in Register of Prisoners.	Name.	Admissions, Liberations, and other Occurrences.	I. Civil Prisoners.		II. Untried Prisoners.		III. Convicted Prisoners.	
				M.	F.	M.	F.	M.	F.
1840. Jan. 1.		Number in custody this morning.	At breakfast	5	1	6	4	8	4
	24 27	Margaret Paterson Mary Paterson	Liberated	..	..	..	..	..	2
			At dinner	5	1	6	4	8	2
	1 2 3 1	Adam Goldie Ann Smith, or Gibb George Kennedy John Durward	Admitted	1	..	1	1	1	..
			At supper	6	1	7	5	9	2
„ 2.	..	. . . .	Same at breakfast	..	..	..	..	..	..
	15 16 17	William Robertson Mary Adams Donald M'Innes	Out on examination	..	..	2	1	..	..
						5	4	..	..
	20	James Johnstone	Gone to general prison	..	..	..	..	1	..
								8	..
	4 5	John Brown William Robertson	Admitted	..	..	1	..	1	..
			At dinner	6	1	6	4	9	2
	15 16	William Robertson Mary Adams	Returned from examination	..	..	1	1	..	..
			At supper	6	1	7	5	9	2
„ 3.	2	Thomas Robertson	Admitted	1	..	..	..	..	..
				7	..	..	..	..	..
	6	John M'Laren	Liberated	1	..	..	..	..	..
			At breakfast	6	1	7	5	9	2
			At dinner the same	..	..	..	..	..	..
			At supper the same	..	..	..	..	..	..
„ 4.		. . . .	At breakfast	6	1	7	5	9	2

2.—Register of Civil Prisoners.

Current Number.	Date of Admission.	By whose Authority Committed.	Name.	Male or Female.	Amount of Debt.	Aliment.		Total amount of aliment paid by Creditor.	Total value of work done by the Prisoner.	When Liberated.	Remarks.
						Lodged on Admission.	Awarded per day.				

the Daily Statement of Prisoners.

Total.			Whereof												Children not Prisoners.	
			On Prison Dietary.								Otherwise Alimented.					
M.	F.	Both.	Rate 1.	Rate 2.	Rate 3.	Rate 4.	Rate 5.	Rate 6.			On Special Diet.	On Money Diet.	Self maintained.	Out on Examination, &c.	M.	F.
19	9	28	3	2	3	2	6	6	..	..	2	2	2	..	1	1
..	2	2	..	..	2	..	..	..	..	..	..	..	..	..	..	1
19	7	26	3	2	1	2	6	6	..	..	2	2	2	..	1	..
3	1	4	1	1	..	1	..	..	..	..	..	..	1	..	..	1
22	8	30	4	3	1	3	6	6	..	..	2	2	3	..	1	1
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
2	1	3	1	1	..	1	..	..	..	..	..	..	..	..	..	..
20	7	27	3	2	..	2	..	..	..	..	..	..	..	..	..	..
1	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..
19	..	26	..	..	..	..	5	..	..	..	..	..	..	..	..	..
2	..	2	..	..	1	..	1	..	..	..	..	..	..	..	..	..
21	7	28	3	2	2	2	6	6	..	..	2	2	3	..	1	1
1	1	2	1	1	..	..	..	..	..	..	..	..	..	..	..	..
22	8	30	4	3	2	2	6	6	..	..	2	2	3	..	1	1
1	..	1	..	..	..	..	..	..	..	..	..	..	1	..	..	..
23	..	31	..	..	..	..	..	..	..	..	..	..	4	..	..	..
1	..	1	..	..	..	..	..	..	..	..	..	..	1	..	..	..
22	8	30	4	3	2	2	6	6	..	..	2	2	3	..	1	1
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
22	8	30	4	3	2	2	6	6	..	..	2	2	3	..	1	1

3.—Daily Statement

Dates.	Current Number in Register of Prisoners.	Name.	Admissions, Liberations, and other Occurrences.	I. Civil Prisoners.		II. Untried Prisoners.		III. Convicted Prisoners.	
				M.	F.	M.	F.	M.	F.

4.—Register of Sickness.

Current Number.	Date.	Name.	Age.	Disease.	Whether Contracted before or after Entering Prison.	Probable Cause of the Disease.	Treatment.	Result.	Date of Recovery or Death.	Number of Days off Work, or considered too ill to Work.	Remarks.

5.—Register of Punishments.

Current Number.	Date.	Name.	Age.	Offence.	Punishment.	Remarks.

6.—Register of Visits to Criminal Prisoners.

Current Number.	Date.	Name of Visitor.	Prisoner Visited.	Whether an Untried or a Convicted Prisoner.	Remarks.

f **Prisoners.**

Total.			Whereof												Children not Prisoners.	
			On Prison Dietary.								Otherwise Alimented.					
I.	F.	Both.	Rate 1.	Rate 2.	Rate 3.	Rate 4.	Rate 5.	Rate 6.			On Special Diet.	On Money Diet.	Self-maintained.	Out on Examination, &c.	M.	F.

No. VII.

Report by the Committee of the General Board of Directors of Prisons in Scotland, on the Table of Prisons in Scotland, and the Prisons and Prison Accommodation required in the several Counties.

APPROVED BY THE GENERAL BOARD.

I.—GLASGOW CIRCUIT.

1. Lanarkshire.

Lanarkshire.

Glasgow Burgh Prison.

Glasgow Burgh Prison.—The Committee, having regard to the Unions already effected by the General Board, of the prisons and bridewells of Edinburgh, Aberdeen, and Paisley, and the advantages of such Unions, both with respect to the accommodation of prisoners, and the efficiency of management, recommend that the General Board should express their strong opinion, that the burgh prison, and city and county bridewell of Glasgow, ought to be united into one prison, under one management.

Rep. p. 23-29.

Rep. p. 30-33.

The Committee have attentively considered the Report by the Prison Board of Lanarkshire on the Burgh Prison, and the plan therein suggested of converting certain portions of it into two large apartments, in each of which there might be accommodation for 30 prisoners being set to work together, and kept under constant inspection; and they have also observed the suggestions, on the same subject, made by the County Board in their Report, on the lock-up house of the police office.

The Committee have further, since their first meeting, and while this subject was engaging their most serious attention, received an Extract from the Minutes of the Prison Board of Lanarkshire of 28th October, in which this proposal to classify and place prisoners together in the burgh prison of Glasgow, is presented in a new form, by the adoption of the following resolutions by the County Board:—

"1st. The gaol and bridewell to be united into one prison, under the name of the Prison of Glasgow; the two branches being distinguished by the names of the North Prison and the South Prison.

"2nd. The gaol and bridewell, so united, to be placed under one governor, (Mr. Brebner). The other officers to be all subordinate to him, and to be selected and removed by him.

"3rd. The disposal of the prisoners, in either branch of the prison, to be left to Mr. Brebner; it being understood that the present gaol will be used chiefly for debtors, and for prisoners whose offences and general character do not denote habits of crime, and for classes of old and infirm prisoners, who offer but little hope of refornation, and whom there is but slight advantage in placing in separate cells.

"4th. Some of the present day-rooms to be provided with increased means of ventilation, and with means of inspection, and to be used, for the present, for classes of prisoners under constant inspection; any refractory or troublesome prisoner being immediately withdrawn, and either placed in a separate cell or sent to the north prison. The room formerly used as a chapel to be used also for a class of prisoners.

"5th. If it shall be found requisite, a large room to be constructed out of a portion of the two highest stories, consisting, at present, of two day-rooms and eight night cells.

"6th. Work to be immediately provided for all the prisoners in the gaol, and order and discipline established among them."

Having fully deliberated on these minutes, the Committee, while they entirely concur in the proposal as to the union of the gaol and bridewell into one prison, feel themselves called upon to recommend that, except in so far as adopted by this Report, the General Board should withhold their sanction to the arrangements thus approved of by the County Board; but that, in so doing, the Board should not be understood as meaning to interfere with such temporary arrangements as the deficiency of accommodation in the bridewell, and the defective and insufficient state of the burgh prison, may now render necessary until the general prison at Perth shall be opened. The Committee also recommend that the Board should direct that these temporary arrangements should be made as far as possible on the principle of separate confinement, to which, in the opinion of the Committee, they should express their fixed purpose to conform.

The Committee are inclined to think that it might be expedient, in order to a proper understanding by the County Board of the views entertained by the General Board, with respect to the nature of the temporary arrangements thus authorized, that the County Board should depute one or more of their members to meet with the Committee on the subject.

The Committee recommend that the proposal by the County Board with respect to Venetian blinds being put up on the windows of the debtors' apartments, on the south side of the burgh prison, should be approved of by the Board.

The estimated expense of the whole alterations and other works on the burgh prison is stated by the County Board to be 500*l.* But if the General Board shall adopt the recommendation of the Committee, and withhold their consent to the proposed operations for the construction of large apartments for placing prisoners together, the whole of this sum cannot be required.

Rep. p. 19-22.
City and County Bridewell.

City and County Bridewell.—Having considered the Report by the County Prison Board, the Committee approve of the following additions and improvements proposed upon the city and county bridewell, and recommend that the sanction of the General Board should be given to their execution without delay.

	Estimated Expense.		
	£.	*s.*	*d.*
1. The introduction of gas into the new wing	86	0	0
2. The warming of the whole of the prisons, with hot water or otherwise .	408	0	0
3. The erection of a house for female clothing, and of a shed for straw .	166	0	0
4. The formation of an exercising yard	590	0	0
5. The repairing of the window soles, lintels, &c., of the prison for females	180	0	0
6. The rough casting thereof, and putting up rhones thereon	130	0	0
7. The painting of all the cell doors, windows, and window stancheons .	100	0	0
	£1,660	0	0

The Committee observe that the whole amount of the assessment on the county of Lanark for the expense of building, altering, and repairing local prisons during the present year is only 1,345*l.* 0*s.* 10*d.*, while the expenditure thus recommended to be authorized on the bridewell alone amounts to 1,660*l.*; and it will be seen in the sequel of this Report, that extensive alterations and repairs are likewise required on many other prisons in the county, and that several new ones require to be built. The whole expense of building, altering, and repairing prisons in Lanarkshire being estimated at above 5,000*l.* The assessment for this purpose cannot be added to by the local authorities giving their consent thereto sooner than in April next, and it will, therefore, be necessary for the General Board, if they shall now authorize the expenditure on the prisons of the county suggested by the County Board, and approved of by this Committee, to obtain the necessary funds, by borrowing on the security of the future compulsory assessments to be raised in the county of Lanark, under the 36th section of the Act.

Lock-up House of Glasgow Police Office.
Rep. p. 30-33.

Lock-up House of Glasgow Police Office.—The Committee concur in the views expressed by the County Board, in the Report with respect to this prison, that a number of cells should be formed in a sufficient manner, for the imprisonment of offenders for a short period after conviction, in order that it may not be necessary to send petty offenders to the county bridewell, for periods of only a few days. The Committee, therefore, suggest that the County Board be requested to state what specific measures are required to carry these views into effect.

Broomielaw Lock-up House.
Rep. p.

Broomielaw Lock-up House.—The Committee approve of the Report by the County Board, that the dampness of these cells should be remedied and their ventilation improved, and recommend that the necessary alterations be sanctioned.

Rutherglen Burgh Prison.

Rep. p. 35-36.

Rutherglen Burgh Prison.—The Committee approve of the sheriff's recommendation with respect to this prison, as contained in the ninth column of the Table of Prisons, that it be discontinued, except as a temporary lock-up house,—it having been already discontinued by the General Board for the five classes of civil prisoners reported by the Committee on Classification of Prisoners. It is recommended, in the Report by the County Board, that the two large rooms in the second and third floors should be subdivided and converted into four sufficient cells for police prisoners, and that the small cells on the first or ground floor might be superseded,—one of them, which is very damp, altogether,—and the other, if used at all, only on emergencies, and for refractory prisoners. It is also recommended that a passage be formed in each room, between the cells and the front wall of the building. Of these recommendations the Committee approve, and think the General Board should authorize the alterations to be made accordingly.

Calton Gaol and Bridewell.
Rep. p. 36-38.

Calton Gaol and Bridewell.—The Committee approve of the Report by the County Board on this prison, and recommend that authority be given to remedy the dampness of some of the lower cells, being the only improvement suggested.

Gorbals Lock-up House.
Rep. p. 39.

Gorbals Lock-up House.—The Committee approve of the suggestion made by the County Board, that the three cells on each floor of this prison, which are at present only eight feet long, five feet broad, and about eight feet high, should be converted into two. They also concur in the opinion of the County Board as to the inexpediency of maintaining numerous prisons within one limited district.

Anderston Prison.

Anderston Prison or Lock-up House.—No alteration is suggested by the County Board on this prison, but a remit has been made to their architect to inspect it.

Hamilton County Prison and Bridewell.
Rep. p. 16.

Hamilton County Prison and Bridewell.—The following is a summary of the additions and improvements suggested by the County Board to be made on this prison, with the estimated expense :—

	£.	s.	d.
Erecting a wash-house and store-room	150	0	0
Erecting sheds for prisoners to break stones in . .	189	7	0
Erecting a stone tank, with a force-pump and pipes, &c.	47	3	0
Providing and fitting up apparatus for heating prison .	100	0	0
Providing an alarm bell	5	0	0
	£491	10	0

The Committee approve of these operations, and recommend that they should be sanctioned by the General Roard.

Rep. p. 15.

The County Board report that it appears there is a debt of about 1,200*l.* on the prison and county buildings at Hamilton, and that they have approved of an arrangement whereby one-half of this debt should be considered as a burden on the prison. Before expressing any opinion as to this arrangement, the Committee direct that inquiry be made into the nature of this debt, and how far it is at present legally a burden on the prison.

Airdrie Police Prison.
Rep. p. 17.

Airdrie Police Prison.—The present prison at Airdrie forms part of the town house. It is insecure and insufficient in every respect. It is, therefore, recommended by the County Board that it should be discontinued and disposed of to the magistrates of Airdrie, in consideration of their giving a site for a new prison; and that a new prison should be built according to the model plan No. 5, containing 13 cells, keeper's house, &c., the estimated cost of which is 1,200*l.*

The Committee are of opinion that the General Board should approve of this recommendation, but request to know the site proposed for the new prison, before authorizing its erection.

Strathaven Lock-up House.
Rep. p. 18.

Strathaven Lock-up House.—Instead of the present prison, consisting of two apartments, which are insecure, the County Board recommend that a new prison, according to the model plan No. 2, consisting of three cells and keeper's house, should be built; the estimated cost of which is 260*l.*

The Committee think this recommendation should be approved of, and that the old prison should be discontinued and disposed of, on the new prison being built. The site of the new prison to be first approved of by the General Board.

Lanark County and Burgh Prison.

Lanark County and Burgh Prison.—The following is a summary of the improvements suggested by the County Board on this prison, of which the Committee approve, and recommend that authority should be given for their execution.

	Estimated Expense. £.	s.	d.
Heating apparatus	100	0	0
Three sheds for work . . . . One shed or store-house for straw and clothes Three bells	180	0	0
	£280	0	0

Carnwath, Douglas, and Biggar Prisons.
Rep. pp. 11—12.

Carnwath, Douglas, and Biggar Prisons or Lock-up Houses.—The County Board recommend that the present insufficient prisons at these places should be discontinued; and that at Carnwath and Douglas new prisons, according to the model plan No. 1, should be erected, containing two cells and a keeper's house; and that at Biggar a new prison should be erected according to the model plan No. 2, containing three cells and keeper's house.

The County Board at the same time recommend that a new prison, according to the model plan No. 3, containing four cells and keeper's house, should be erected at

Wishawtown Prison.

Wishawtown, for Wishawtown and Carluke, where no prison exists at present. The estimated expense of these prisons would be—

	£.	s.	d.
Carnwath and Douglas 180*l.* each	360	0	0
Biggar	260	0	0
Wishawtown	380	0	0
	£1,000	0	0

The committee approve of these recommendations, and are of opinion that the General Board should authorize the erection of these four prisons, having previously approved of their sites.

The committee are of opinion that the only prisons in the county of Lanark which should be legalized for civil and criminal prisoners, are the prisons of Glasgow, Lanark, and Hamilton.

The precise periods for which criminal prisoners ought to be confined in the smaller prisons of the county are not suggested by the County Board; but this may be the subject of future consideration.

2. RENFREWSHIRE.

Renfrewshire.

Greenock Burgh and Barony Prison.

Greenock. Burgh and Barony Prison.—The Committee, having considered the various reports referred to in the table on the state of the present prison at Greenock, are of opinion that it cannot be adapted to a proper system of discipline. They, therefore, recommend that the County Board should be required to report as to the erection of a new prison on a different site, and the expense of its erection; and, in the mean time, that the present prison should be discontinued for prisoners for civil debts due to subjects, and that a sum not exceeding 50*l.* should be expended in its temporary improvement, as requested by the County Board.

Minutes of 23d Sept. 1840, p. 3.

Port Glasgow Lock-up House.

Port Glasgow. Lock-up House.—The Committee approve of the alterations proposed by the County Board, that the cells should be better ventilated, and that the guard-room should be converted into the keeper's house. They, therefore, recommend that these alterations should be authorized by the General Board, and that this prison should be legalized only for criminal prisoners for periods not exceeding ten days. It has already been discontinued by the General Board for certain classes of civil prisoners.

Paisley Bridewell and Gaol.

Paisley. County Bridewell, and Gaol for Burgh and County.—The bridewell and gaol of Paisley have already been united into one prison, by declaration and order of the General Board, dated 9th instant, granted in pursuance of the request of the County Board.

Minutes of 23d Sept. 1840, p. 4.

The County Board suggest that three interior staircases should be removed, and some other alterations made, whereby 18 additional cells will be obtained; also, that the end windows of the passages should be enlarged; that the prison yards should be improved, and a few other interior improvements be made, the estimated expense of all of which is stated not to exceed 400*l.* The Committee approve of these suggestions, and recommend that authority be given to carry them into immediate execution, as requested.

Renfrew Prison.

Renfrew Prison.—This prison has been already discontinued by the General Board for certain classes of civil prisoners. The Committee are of opinion that its use should be further limited to criminal prisoners for periods not exceeding 10 days.

The County Board propose that the windows should be enlarged, and that a large room heretofore used as a debtor's prison should be converted into a keeper's house. The Committee approve of these alterations, and recommend to the General Board to sanction them.

Pollockshaws, Johnston, Barrhead, Gourock, and Lochwinnock, Prisons.

Pollockshaws, Johnston, Barrhead, Gourock, and Lochwinnock.—The County Board state that prisons of the third class are required at these five places.

The Committee agree in this opinion, and recommend that the County Board should be requested to specify the proposed plans and sites of such prisons, and estimates of the expense, with a view to their immediate erection.

The only prison in the county of Renfrew, which, in the opinion of the Committee, ought to be at present legalized for civil and criminal prisoners, is the prison of Paisley. It may be hereafter a question for consideration whether, when a new prison shall be built at Greenock, it should not also be legalized for civil as well as criminal prisoners.

The Committee observe, that the assessment during the present year for building, altering, and repairing prisons in Renfrewshire amounts to 562*l.* 17*s.* 1*d.*, while it is evident that the immediate expenditure of a much larger sum is requisite. The General Board must, therefore, be prepared to borrow on the security of the assessment authorized by the Act for this purpose, although it is probable that the whole sum which can be raised on such security (being less than 5,000*l.*) may be insufficient to provide the county with proper prison accommodation. When the County Board shall have reported on the new prisons required, and the expense of erecting them, it will be for the consideration of the General Board whether they should recommend to the Commissioners of Supply of the county, and the magistrates of the burghs, to consent to add to the ordinary assessment for building, altering, and repairing prisons, in terms of the 38th section of the Act.

3. DUMBARTONSHIRE.

Dumbartonshire.

Dumbarton County Prison.

Dumbarton County Prison.—The Committee observe, that the Prison Board of Dumbartonshire, in their minutes of 20th May last, resolved, that it is expedient to form a union with the county of Lanark, under the 52nd section of the Act; and that in a letter from the clerk to the County Board, dated 29th June last, it is stated that no specific return, relative to the table of prisons, can be made, until the negotiations for such union are in a more forward state. No return, accordingly, has been made.

The Committee are of opinion that the County Board should be called upon to report their suggestions relative to the prison of Dumbarton, and that it should be explained to them that if it shall be necessary, from the want of accommodation or insufficiency in the prisons of the county, to remove prisoners from Dumbartonshire, such removal must be made by the General Board, under the 31st section of the Act, unless the county can arrange as to a union with Lanarkshire, under the 52nd section.

Kirkintilloch and Helensburgh Prisons.

Kirkintilloch and Helensburgh.—The Committee are also of opinion that the County Board should be requested to state what they propose in regard to these or any other prisons required in the county.

II.—INVERNESS CIRCUIT.

1. INVERNESS-SHIRE.

Inverness-shire.

Inverness Burgh Prison.

Inverness Burgh Prison.—The Committee having considered the reports referred to in the table relative to this prison, and the suggestions made by the County Board, are clearly of opinion that the present prison of Inverness is utterly insufficient, and is not capable of being enlarged or improved so as to admit of a proper system of discipline. They, therefore, approve of the intention expressed by the County Board to build a new prison on a different site, and think that no time should be lost in carrying this into effect.

Some temporary improvements have been authorized by the General Board on the present prison, at the request of the County Board, and in consequence of the urgent necessity that existed for them. The expense of these improvements was limited to 100*l.*, and although they may in a slight degree diminish the evils of the present prison, they ought not to be allowed to relax the exertions of the County Board in providing a new one. Neither does it appear to the Committee to be a sufficient reason for delaying this most necessary measure, that the County Board expect some of the neighbouring counties to unite with them in building a central prison at Inverness. Although no other county were to join with Inverness-shire, a new prison is still indispensably required for it alone; and therefore the County Board ought, without delay, to look out for a site, procure a plan (taking care that it shall be such as may be capable of easy extension), and make all other necessary preparations for commencing the work.

The Committee recommend that these views be communicated to the County Board, and that they should be requested, without delay, to report upon a site for a new prison, with the plan, extent of accommodation to be afforded, and estimate of expense.

Inverness Police Cells.

Inverness Police Cells.—These cells appear to the Committee to be bad and insufficient. They recommend that better cells should be provided.

Kingussie Lock-up House.

Kingussie Lock-up House.—The Committee agree in opinion with the County Board that this prison is insufficient, and that a new lock-up house should be built, in a situation out of the village, to consist of a keeper's house and three cells. They, therefore, recommend that this should be authorized by the Board, on the site and plan being approved of.

Grantown Lock-up House.

Grantown Lock-up House.—The Committee also agree in opinion with the County Board that the present prison at Grantown should be enlarged and rendered sufficient, by purchasing the ground floor of the present building, and erecting a boundary wall; and recommend that the General Board request the County Board to take steps for having this done, and report their proceedings.

The County Board state that the counties of Nairn and Moray use this prison, and should, therefore, contribute towards its expense. They should be requested to state by what authority and in what manner the prison is so used.

Portree Lock-up House.

Portree, in Skye; Lock-up House.—The County Board suggest that the present prison at Portree is insufficient, and that a new one, of six cells and keeper's house, should be built on a different site. The Committee approve of this suggestion, and think the County Board should be requested to state the site, plan, and estimate of expense, for approval of the General Board. It is proposed that both civil and criminal prisoners should be received at Portree prison, of which the Committee approve, in respect of its insular situation and distance from Inverness.

Fort-William Prison.

Fort-William.—There is no prison at or near Fort-William, although there is a sheriff-substitute resident there, who acts both for Inverness-shire and a district of Argyleshire, under a substitution from the sheriffs of both counties, and the authority of the Act XI. Geo. IV. and 1 Will. IV. c. 37. Inverness-shire prisoners are, therefore, sent to Inverness, and Argyleshire prisoners to Inverary, being distances of about 60 miles; and in the case of persons committed to prison previous to trial, and afterwards tried and sentenced to imprisonment, these journeys must, of course, be frequently repeated with each prisoner. It is now, however, required by the 26th section of the Prisons Act that a prison shall be established here, as being a town in which a sheriff is in use to hold courts for the exercise of his ordinary criminal jurisdiction.

The County Board suggest that a new prison should be erected at Fort-William, containing six cells and keeper's house, in a situation outside of the garrison; and they also suggest that this should be done with the assistance of Argyleshire.

The Committee approve of both these suggestions, and as the erection of a prison at this place is imperatively required by the statute, they are of opinion that the County Boards of Inverness and Argyle should be required immediately to communicate with each other, and to suggest the measures which ought to be taken for that purpose, the site and size of the prison, and the proportions in which the counties ought respectively to contribute towards its erection and maintenance.

The prison at Fort-William ought to be a prison for both civil and criminal prisoners, in respect of its distance from Inverness and Inverary.

Nuntown Prison.

Nuntown.—This is also a place where no prison at present exists, although there is a resident sheriff-substitute, who is in use to hold courts for the exercise of his ordinary criminal jurisdiction, extending over a large insular district of Inverness-shire; and it is, therefore, necessary that a prison should be erected at Nuntown, in the island of North Uist. The County Board suggest that a prison be built at Lochmaddy, in the Long Island, containing six cells and keeper's house, and make no suggestion with regard to Nuntown.

The Committee think the County Board should be requested to reconsider this suggestion, with reference to the 26th section of the Act.

The prison to be built in this situation ought to be for both civil and criminal prisoners, in respect of its situation and distance from Inverness.

Beauly and Campbellton.

Beauly and Campbellton.—The County Board further suggest that two new lock-up houses, each containing two cells and a keeper's house, should be erected in Inverness-shire, where none now exist, at Beauly and Campbellton, of which the meeting approve.

The Committee, in thus reporting on the prisons of Inverness-shire, have much satisfaction in stating their opinion that the great want of prison accommodation at present existing in that county, is fairly and properly met by the suggestions of the County Board; and they trust that the Commissioners of Supply of the county, and the magistrates and town-council of Inverness, will enable the County Board to carry these recommendations into effect, by consenting to add to the ordinary assessment within the county for building, altering, and repairing prisons. This assessment, which is all that there is authority to raise without such consent, amounts to no more than 313*l.* 7*s.* 1*d. per annum*, and would, therefore, be utterly insufficient to enable the General Board to borrow sufficient funds to provide the necessary prison accommodation.

2. Ross and Cromarty Shires.

Ross and Cromarty Shires.

The committee regret to report, that the prisons of Ross and Cromarty shires are even more insufficient, if possible, than those of Inverness-shire; and having considered the various reports as to the prisons of these counties, as referred to in the table of prisons, the resolution of the County Board not to unite with any other county, and their resolution at their meeting on 14th September last, to suspend the introductory rules as to the exercise, separation, work, and instruction of the prisoners, with reference to the present condition of the prisons, and until there be new prisons and proper keepers,—which resolution the Board were reluctantly compelled to sanction, at their meeting on 24th September, (except in so far as relates to instruction,) from the conviction that the representation of the County Board, as to the state of these prisons, was well founded,—the committee find they must report, that in consequence of the present want of accommodation and insufficiency in the prisons of the counties of Ross and Cromarty, it will be necessary until sufficient prison accommodation is provided, to remove, under the 31st section of the Act, convicted prisoners sentenced to periods of imprisonment above 60 days.

The committee recommend the removal of such prisoners to the prison of Aberdeen, if it shall be found to contain sufficient accommodation, and suggest that a communication be made on the subject to the Prison Board of Aberdeen; and also, that intimation of the opinion of the General Board be made to the Prison Board of Ross and Cromarty.

Subsequent to the period of the first meeting of the committee on 12th October, and while this Report was under their consideration, they have received the minutes of the Prison Board of Ross and Cromarty of 14th October, from which it appears that the Inspector of Prisons, a member of this committee, had attended the meeting of the County Board, and had communicated to them, and endeavoured to enforce, the views expressed at the first meeting of the committee, with respect to the very defective state of the prisons of Ross and Cromarty, and of the measures for removal of prisoners, which it might be necessary for the General Board to adopt. The County Board have, therefore, and in compliance with the request of the General Board at their meeting on 24th September, directed memoranda to be prepared and transmitted for the information of the General Board, showing the extent of prison accommodation proposed to be furnished by the County Board, and the data on which it has been calculated. These memoranda have been under the consideration of the committee, along with the table of prisons and the documents therein referred to, and with these means of information, the following Report, on the several prisons of Ross and Cromarty, is submitted to the General Board.

Dingwall County and Burgh Prison.

Dingwall County and Burgh Prison.—The County Board state, that they have resolved against the expediency of uniting with any other county in providing prison accommodation, and that their chief prison ought to be situated at Dingwall.

The committee approve of the chief prison of Ross and Cromarty shires being situated at Dingwall.

All the authorities concur in considering the present prison as insufficient, and incapable of being rendered sufficient.

In the memoranda recently received from the County Board, it is proposed that a first class prison should be built at Dingwall, according to the model plan No. 7, modified or altered as may be necessary, and containing 14 cells and two rooms for debtors, some of the cells being made of sufficient size to allow several prisoners being selected and placed together for a short time under vigilant superintendence. The County Board proceed to express their opinion, that according to the experience of the number of prisoners at Dingwall for the last few years, this extent of accommodation will be sufficient; but, at the same time they state, that should it prove otherwise, the plan admits of enlargement at any future time, and they will be quite ready to extend it as far as their means go.

The committee cannot acquiesce in the experience of the number of prisoners in Dingwall prison for the last few years, being taken as affording sufficient grounds for calculating the extent of accommodation which may hereafter be requisite; and they fear the expectations of the County Board on this subject will not be realized. In so far as regards the proposal to construct large cells for the confinement of several prisoners together, the committee wholly disapprove of this as a principle on which any such prison should be constructed. But with these qualifications, and reserving for future consideration the modifications of the model plan No. 7, which may be suggested, the committee recommend that the Board should approve of the proposal now made by the County Board, and request them forthwith to report as to a site, plan, and estimate of expense of the intended prison.

The prison at Dingwall must be fitted for the reception of both civil and criminal prisoners.

Tain County and Burgh Prison.

Tain County and Burgh Prison.—This prison is also condemned by all the authorities who have reported on it, as insufficient and incapable of being rendered sufficient.

In the memoranda, the County Board propose that a second class prison should be built at Tain, according to the model Plan No. 3, containing four cells for criminals under examination or sentences not exceeding 30 days, and two rooms additional, of adequate size, one for revenue delinquents, and the other for civil debtors, with an airing-yard.

The committee approve of these suggestions, under the qualifications already expressed with respect to the prison at Dingwall, and recommend that the County Board be requested to report forthwith, as to a site, plan, and estimate of expense.

Fortrose County and Burgh Prison.

Fortrose County and Burgh Prison.—This prison is also condemned by all the authorities. In the memoranda, the County Board propose to erect a lock-up house, according to the plan No. 1, containing two cells for the reception of criminal prisoners, for periods not exceeding 10 days.

Of this the committee approve, and recommend that the County Board be requested to report forthwith as to a site and estimate of expense.

Stornoway Prison

Stornoway, Island of Lewis.—This prison is also condemned by all the authorities. The County Board, in the memoranda, propose to erect a similar prison to that proposed to be built at Tain.

The committee approve of this in like manner as with respect to Tain.

The prison at Stornoway ought to be fitted for the reception of both civil and criminal prisoners.

Cromarty County and Burgh Prison.

Cromarty County and Burgh Prison.—All the authorities who report on this prison agree as to its present insufficiency. The County Board suggest that it should be repaired, and that two more cells, with an airing-yard and gaoler's house, should be added.

Of this the committee approve, and recommend that the County Board be requested to transmit a plan of the proposed repairs and additions, and also of the airing ground and boundary wall.

This prison ought to be fitted for the reception of criminal prisoners, for periods not exceeding 30 days.

Invergordon Prison.

Invergordon.—No prison exists here at present. The County Board suggest that a lock-up house, containing two cells, and a keeper's house, should be erected at this place, for the temporary custody of criminals.

Of this the committee approve, and recommend that the County Board should be requested to report as to a site, plan, and estimate of expense.

Janetown and Ullapool Prison.

Janetown and Ullapool.—These places are situated on the west coast of Ross-shire, and in neither of them is there any prison at present. A memorial was submitted in July last by the Solicitor of Excise, both to the General Board and to the County Board, complaining of the want of prison accommodation for revenue prisoners in Ross-shire, particularly in the western districts; and stating, that many such prisoners, presented under warrants, had not been received in the prisons of the county, and that a number of warrants had not even been attempted to be enforced in consequence of the want of prison accommodation. The County Board, in their memoranda, propose that at each of these places a lock-up house should be erected, containing a keeper's house, and two cells for the temporary custody of criminals, with the addition in Janetown of two rooms for the confinement of revenue prisoners.

Before determining as to the extent of Prison accommodation requisite at Janetown and Ullapool, the committee are of opinion that the Lord Advocate should be requested to consider this subject, and whether assistance could not be obtained by application to the Commissioners of Excise, for the purpose of providing prison accommodation for revenue prisoners in the western district of Ross-shire.

The committee observe, that the annual assessment, authorized by the 36th section of the Act, in the counties of Ross and Cromarty, for building, altering, and repairing prisons, is only 253*l.* 2*s.* 1*d.*, a sum quite inadequate to enable the General Board to raise sufficient funds to erect the prisons required. It is hoped, however, that the authorities of the counties and burghs will consent to add to this assessment such further amount as may be necessary; otherwise, the only mode of providing prison accommodation for the prisoners of these counties, will be for the General Board to continue to act on the power of removal to other counties given to them in the 31st section of the Act.

3. Caithness-shire.

Caithness-shire.

The General Board, at their meeting on 12th September last, determined as to the prison accommodation required in Caithness-shire. The County Board had resolved against uniting with any other county; and proposed, that

Wick Burgh and County Prison.

Wick Burgh and County Prison should be made a prison of the first class, for the maintenance of the separate system; that each of the day-rooms should be divided into two cells, and an additional wing be built, containing a debtor's prison and keeper's residence; and that at

Thurso Prison.

Thurso, where no prison exists, a lock-up house of three cells should be built, with accommodation for a keeper. The General Board approved of these suggestions, and directed estimates of the expense of executing the same, with explanations as to the site of the prison at Thurso, to be transmitted for approval.

The committee, understanding from Mr. Hill that further information may be expected from the Prison Board of Caithness-shire, delay consideration of the prisons of that county. They recommend, however, that the General Board should borrow such sum as may be necessary, on the security of the assessment of 121*l.* 5*s.* 10*d.* per annum, authorized in the county for building, altering, and repairing prisons.

4. Sutherlandshire.

Sutherlandshire.

Dornock Burgh Prison.

Dornock Burgh Prison.—The only prison in the county of Sutherland is that at Dornock. The County Board report that it is insufficient, and that a new prison should be built if this could be done for 694*l.* 15*s.* 10*d.*, being the amount of the annual assessment of 69*l.* 9*s.* 7*d.*, for 10 years, authorized by the Act for this purpose.

The committee agree in opinion with the County Board, that the present prison at Dornock is insufficient, and that a new one should be erected. They do not believe, however, that a sufficient sum for the purpose could be borrowed on security of the assessment of 69*l.* 9*s.* 7*d.*, for 10 years. The County Board should be requested to report as to a site, plan, and estimate of expense; and, at the same time, they should be informed that the General Board are willing to borrow money for the purpose of building the prison, on security of the assessment authorized by the Act, and of such addition thereto as may be consented to by the Commissioners of Supply of the county.

It ought to be a prison for both civil and criminal prisoners.

5. Elgin or Morayshire.

Elginshire

Elgin County and Burgh Prison.

Elgin County and Burgh Prison.—A new prison having been very urgently required at Elgin, the General Board some time ago remitted to a committee to consider as to the site and plan on which it ought to be built. The subject was fully considered and reported on by the committee, and their report was approved of by the Board at its meeting on the 24th September last. The County Board have accordingly resolved to proceed forthwith in erecting the new prison. It is to be situated on an area behind the County-rooms, and is to be built in conformity to No. 6 of the model plans, modified so as to suit the peculiarities of the site, according to the suggestion of the committee. The prison will contain 13 apartments, with houses for a keeper and a turnkey. It will be the chief prison of the county, and will be a prison for both civil and criminal prisoners. The County Board state that they are already provided with nearly sufficient funds to complete the building. Any further sum required may be borrowed by the General Board on security of the assessment of 105*l.* 17*s.* 11*d.* authorized by the Act for Building, Altering, and Repairing Prisons in Elginshire, as there will be no need of much further prison accommodation in this county.

Forres Burgh Prison.

Forres Burgh Prison.—The present prison at Forres is merely temporary. It is insufficient and incapable of being made a proper prison. The County Board suggest that a new prison of three or four apartments should be built for civil prisoners and criminals till they can be sent to Elgin.

The committee approve of the suggestion that a new prison of three or four apartments should be built. It should also have a keeper's house. The committee do not think, however, that it should be legalized for civil prisoners, Forres being only 12 miles from Elgin. The County Board should be requested to report as to a site, plan, and estimate of expense of a new prison at Forres.

Fochabers Prison.

Fochabers.—It is stated in the Inspector's Reports that there is a lock-up house here at present, which is the private property of the Duke of Richmond, but none of the other authorites report on any prison as existing at Fochabers.

The County Board report that a new lock-up house is required, in which the committee agree, and recommend that the County Board should be requested to report as to a site, plan, and estimate of expense of a new prison at Fochabers.

The County Board should also be requested to report as to the sites, plans, and estimates of expense of any other small prisons required in the county.

6. Nairnshire.

Nairnshire.

Nairn Burgh Prison.

Nairn Burgh Prison.—This is the only prison in the county of Nairn, and no other seems requisite. It forms part of the town house in the centre of the burgh of Nairn, and, in its present condition, is insufficient for the due observance of a good system of discipline. The County Board propose to unite with Inverness, and also to improve and enlarge the present prison by erecting additional buildings, and purchasing some adjoining ground as an airing yard. They have asked the opinion of the General Board as to whether the present prison, and certain adjacent ground which they are able to purchase, would afford a sufficient site in the event of no union being formed with Inverness, and the General Board, at their meeting on 9th October last, were of opinion that, in this event, the site would be insufficient.

The Committee recommend that the County Board should be requested to mature their views as soon as possible, and transmit, for the consideration of the General Board, such suggestions as they may deem proper relative to a union with Inverness, in so far as regards the imprisonment of convicted prisoners, sentenced to periods of imprisonment exceeding 60 days, in which case the Committee think the present prison, with alterations, would suffice; or, in the event of no such union being formed, that they should be requested to report as to a site, plan, and estimate of expense of a new prison.

The prison to be erected at Nairn ought, in either view, to be adapted to the reception of civil and criminal prisoners, the extent of accommodation required by the latter being, however, materially affected by the formation of a union with Inverness.

7. Orkney and Zetland.

Orkney and Zetland.

Orkney and Zetland form one county, under the provisions of the Prisons Act. They are, however, very remote from each other, and have little mutual intercourse or community of action. Although, therefore, a County Board of twelve members was assigned to this county by the General Board, and was appointed by the Commissioners of Supply in April last, yet the Board have never, as such, assumed the management of the prisons of the county. They have acted only by means of committees appointed under the 12th section of the Act,—the one half of the Board composed of gentlemen belonging to Orkney, having been appointed a committee for Orkney, with full powers, and the other half of the Board composed of Zetland gentlemen being in like manner appointed a committee for Zetland. It appears to the Committee that this arrangement was judicious, but it is still subject to these inconveniences:—1st. The Commissioners of Supply of the whole county must meet at one place to appoint the County Board, in pursuance of the 11th section of the Act; and 2nd. The whole County Board must assemble twice in each year,—once on the third Wednesday of May, in terms of the 12th section, and again in September, in terms of the 38th section. It is quite evident, however, situated as Orkney and Zetland are, that these meetings can never be fully attended,—in fact, that they are only likely to be attended by the gentlemen connected with that portion of the county in which they are held. The Committee are therefore of opinion, that the separation of Orkney from Zetland, which the County Board have found to be expedient in so far as it can be effected under the Act, should be still further extended by the legislature, and that Orkney and Zetland should, for the purposes of the Prisons Act, be declared separate counties. This measure the Committee understand to be desired by the County Board as well as by the Commissioners of Supply both of Orkney and Zetland.

Kirkwall Burgh and County Prison.

Kirkwall Burgh and County Prison.—The County Board, and all the other authorities referred to in the table of prisons, concur as to the insufficiency of the present prison at Kirkwall, and recommend that a new prison should be built on a different site. The assistance of the General Board was requested towards obtaining a site from the Commissioners of Woods and Forests, but the Board did not feel themselves at liberty to interfere. Since that time the County Board have resolved, at a meeting held by them on 28th September last, to apply to the Commissioners of Woods and Forrests for the sale of an acre and a-half of ground in the vicinity of Kirkwall, as a site for a prison, and to adopt the model plan, No. 4, as that on which it is to be built, subject to alterations so as to adopt it to civil as well as criminal prisoners. This plan contains nine cells, keeper's house, &c., and the estimated cost is 900*l.* As the ordinary maximum assessment appears to the County Board to be insufficient to build this prison, they have resolved to apply to the Commissioners of Supply for their consent to add to that assessment such sum as will be required.

The Committee recommend, that the General Board should approve of the proceedings of the County Board, and request them to report their further proceedings without delay, in determining upon a site, plan, and estimate of expense for the new prison; and that the General Board should borrow such sum as may be required on the security of the assessment.

The prison of Kirkwall ought to be for both civil and criminal prisoners.

Stromness Prison.

The County Board further suggest, that a new small prison is required at *Stromness*, where none exists at present.

Of this, the Committee approve, and think the County Board should be requested to report as to a site, plan, and estimate of expense.

Lerwick County Prison.

Lerwick County Prison.—The Committee refer to the Table of Prisons, column 10, for a statement of the opinions of the County Board.

The Committee recommend that the County Board should be requested to explain the title on which the prison is held. They are of opinion that the prison should be adapted to the reception of civil as well as criminal prisoners, and that the County Board should be requested to specify the plan and expense of obtaining proper accommodation for civil prisoners.

Reported by,
(Signed) MELVILLE, *Convener.*

Edinburgh, 124, *George Street*,
30*th October*. 1840.

Continuation of Report by the Committee of the General Board of Directors of Prisons in Scotland, on the Table of Prisons in Scotland, and the Prisons and Prison Accommodation required in the several Counties.

Approved by the General Board.

STIRLING CIRCUIT.

1. Stirlingshire.

Stirlingshire.

Stirling Prison.

Stirling. Prison of the Burgh of Stirling, and of the Counties of Stirling and Clackmannan.—The Committee have considered the opinions expressed by the various authorities referred to in the Table of Prisons, as to the prison of Stirling; and they have also had under their consideration the minutes of the Prison Board of Stirlingshire, since received, of 19th October 1840, in which the County Board, after considering a letter from the chairman of the General Board to the sheriff of the county, dated 10th October,—Resolve, in consequence of that communication, to abandon all idea of a union with Lanarkshire, and now contemplate the erection, under the sanction of the General Board, of a new prison of the first class on a different site, to serve as a common prison for the counties of Stirling and Clackmannan, proposals having been made by the latter county for a permanent junction with Stirling, in the erection and maintenance of a common gaol; but reserve, for future consideration, the terms and conditions on which the union will take place, and also the suggestion made by the chairman of the General Board, for a union with Kinross; and solicit a communication from the General Board as to the mode of effecting such junction. In the same minutes, the County Board request the sanction of the General Board to the execution of certain of the temporary improvements on the present prison of Stirling, detailed in a Report by Mr. Brown, and calculated to improve the ventilation and inspection of the prison, the probable cost of the whole of which is stated by Mr. Brown to be 77*l.* 16*s.*

The Committee are of opinion that a new prison is required at Stirling, on a different site from the present, and approve of the proceedings contemplated by the County Board, with respect to its erection. They recommend that the County Board be requested to report, as soon as possible, as to the site of the new prison, and the plan and estimate of expense.

The Committee also approve of the proposed union between the counties of Stirling and Clackmannan, for the erection and maintenance of a common prison at Stirling. But having regard to the terms of the Clackmannanshire Act of 55 Geo. III. c. 109, and the 26th section of the Prisons Act, the Committee are of opinion that a prison must also be provided at Alloa being the town in which the sheriff of that county is in use to hold Courts for the exercise of his criminal jurisprudence. They also think that when a prison at Alloa shall be provided under the Prisons Act, it will become the "common gaol" of the county of Clackmannan, in the sense of the Act of 55 Geo. III. c. 109, subject only to the provision as to unions contained in the Prisons Act; and, consequently, that upon such prison at Alloa being provided, the power given by that Act to the sheriff and magistrates of the county of Clackmannan to incarcerate persons in the prison of Stirling will cease. It will still, however, be competent to the counties of Stirling and Clackmannan to unite under the 52d clause of the Prisons Act, in erecting and maintaining a prison for the custody of prisoners after conviction, leaving it only necessary to provide a prison at Alloa for the reception of civil and untried prisoners, and perhaps those sentenced to very short periods of imprisonment. With this expression of opinion, the Committee think that the County Boards of Stirling and Clackmannan should be requested to communicate with each other, and form the proposed union, upon such terms as they may agree upon, and report the same to the General Board.

With respect to a union between Stirling and Kinross, the future consideration of which is reserved by the Prison Board of Stirling, the Chairman of the General Board explained that he made the suggestion merely as pointing out the extent to which, in his opinion, Stirlingshire might unite with other counties, but without meaning to advise that such union ought to be entered into, as he wished to leave the matter entirely to the voluntary agreement of the local authorities themselves. In this view the Committee concur.

The Committee approve of the temporary improvements proposed by the Stirlingshire Board to be made on the prison of Stirling, and recommend that the General Board should authorize the expenditure of a sum not exceeding 80*l.* in the immediate execution of such temporary improvements as the County Board may think proper.

Alva and Kilsyth Lock-up Houses.

Alva and Kilsyth Lock-up Houses.—The County Board have not reported as to these lock-up houses, which are entered in the Return made to the Board by the sheriff. The Committee think the County Board should be requested to make any statement or suggestion they have to offer with respect to them.

Falkirk County Prison.

Falkirk County Prison.—The present prison at Falkirk consists of only two rooms in a tower, on which stands the town steeple. The Sheriff and Inspector of Prisons agree in thinking this prison quite unsuitable and incapable of being rendered sufficient for the purposes required, and that a new prison is necessary on a different site. The County Board appear to agree in this opinion, and suggest that a prison, agreeable to the model plan No. 2, might be sufficient.

The Committee are of opinion that a new prison on a different site is required at Falkirk, but that a prison according to the model plan No. 2, which contains only three cells and keeper's house, would be quite inadequate. They recommend that the General Board should communicate this as their opinion to the County Board, and request them to reconsider the subject and report forthwith as to a plan, site, and estimate of a new prison.

The County Board suggest that a new prison should be built, where none exists at present, at—

Lennoxtown.

Lennoxtown of Campsie.—In this the Committee agree, and recommend that the County Board be requested to report as to a site, plan, and estimate of expense.

The assessment authorized to be raised in Stirlingshire for building, altering, and repairing the prisons of the county amounts to 332*l.* 15*s.* 5*d.* annually. It is probable, however, that this sum will be insufficient to enable the General Board to borrow the sums necessary for these purposes. The Committee recommend that the General Board should express their willingness to borrow such sums as can be raised on the security of the compulsory assessment, and of such addition thereto as may be consented to in terms of the Act.

2. CLACKMANNANSHIRE.

Clackmannanshire.

The Committee refer to what has been already said as to the prison accommodation to be provided for the county of Clackmannan, in reporting on Stirlingshire. They approve of the opinion expressed by the Prison Board of Clackmannanshire, that this county should continue its union with Stirling, and recommend that such a union be formed under the 52d clause of the Prisons Act.

Alloa Barony Jail.

Alloa Barony Gaol fitted up as a Lock-up House at expense of the County.—This is the only prison in the county, and Alloa, being the seat of the sheriff's jurisdiction, must continue to have a prison. If a union be effected with Stirling, under the 52d section of the Act, the prison at Alloa may be limited to the reception of civil and untried prisoners, and perhaps of those sentenced to very short periods of imprisonment.

The County Board are in doubt whether to suggest the alteration of the present prison, or the building a new one, until they know the opinion of the General Board as to the mode in which prison accommodation should be provided for the county. The Committee recommend that their views be communicated to the County Board, and that they be requested to report as to a plan and estimate of alterations on the present prison, or as to a site, plan, and estimate of a new prison, as to them may seem fit.

The inspector has reported, that a new prison is required, where none exists at present, at *Tillicoultry.*—The Committee recommend that the County Board be requested to report their opinion as to this.

Tillicoultry.

3. Kinross-shire.

Kinross-shire.

Kinross County Prison.

Kinross County Prison.—The County Board report, that the prison at Kinross requires alteration to make it a prison of the first class; that the cells should be subdivided, and a keeper's house erected on the north side of the back court, but that they consider it unnecessary to enter into details, showing how these views may be carried into effect, until the opinion and views of the General Board be known. The County Board also think, that there will be no occasion for the large establishment of officers enumerated in the address of the Chairman of the General Board of 13th May, 1840, in so small a county as Kinross-shire, where the average number of prisoners is so small, and where frequently there are none. At the same time they express their determination to do everything that is necessary, under the direction of the General Board, for the proper treatment of prisoners according to the spirit of the Act.

In reporting on Stirlingshire, the Committee have already said, that they desire to leave the question of uniting with other counties entirely to the consideration of the local authorities; and, therefore, viewing Kinross-shire as unconnected with Stirlingshire, the Committee agree in opinion with the County Board, that the prison at Kinross requires alteration, and, in particular, that a keeper's house should be immediately provided within the walls of the prison, and a sufficient number of cells constructed, with due regard to the requisites of the Act. The Committee recommend, that the County Board be requested to report as soon as possible as to the details of the proposed alterations, with a plan and estimate of expense.

The establishment of officers required in the prison is, to a certain extent, indicated by the provisions of the Act, requiring that prisoners shall be separated from vicious society, shall be employed in useful labour, and shall receive moral and religious instruction. The Committee are clearly of opinion, that these most important and salutary provisions must, in all respects, and in every instance, be enforced, and that the General Board have no power to dispense with their observance. The circumstance of a county having only a very small number of prisoners does not appear to the Committee to be a sufficient reason for their not being subjected to the reformatory system of discipline required by the Legislature; and, as far as possible, to as efficient a system of discipline as is enforced in larger counties. However small the number may be, or however seldom the prison may be occupied, still, in the case of the chief prison of a county, no union has been formed with any other county, and in which prisoners of all descriptions are liable to be imprisoned, and where in fact it must sometimes occur, that convicted prisoners are imprisoned for periods of six months, or it may be for any period under a year, due provision must be made for the management of the prison by an efficient governor and matron; for the religious and moral instruction of the prisoners by a chaplain and teacher; and for their being employed in useful labour under the superintendence of persons qualified to direct and instruct them in its performance. The Committee, therefore, cannot agree in the opinion of the County Board, that there will be no occasion in Kinross-shire for the establishment of officers enumerated in the address of the Chairman of the General Board. They have, on the contrary, to express their entire concurrence in the opinions on this subject contained in that address, and to recommend, that the County Board be requested to act forthwith on the views therein and herein stated.

The prison of Kinross must be adapted to the reception of both civil and criminal prisoners. It is the only prison in the county, and no other seems to be required.

INVERARY CIRCUIT.

1. Argyleshire.

Argyleshire.

Inverary County and Burgh Prison.

Inverary County and Burgh Prison.—The County Board report, that the present prison at Inverary is capable, with some alterations, of being converted into a prison in which the separate system could be introduced; and at a meeting of the County Board on 25th September last, it is stated to be their opinion, that this prison should be one of the first class.

The committee recommend that the County Board be requested to report as to the proposed alterations, with a plan and estimate of expense.

The prison of Inverary must be adapted to the reception of civil and criminal prisoners.

Campbelltown Burgh Prison.

Campbelltown Burgh Prison.—The present prison at Campbelltown is condemned by all the authorities who report upon it, as quite insufficient, and incapable of being rendered sufficient. The County Board originally reported, that if Argyle should unite with Bute or any other county, a small prison here would be enough. But at the meeting on 25th September last, they seem rather disinclined to enter into any union, and to prefer erecting a prison at Campbelltown, independently of any other county. The committee approve of the erection of a new prison at Campbelltown; and as it is the seat of the jurisdiction of a sheriff-substitute, and at the distance of 73 miles from Inverary, they think it will be necessary that the prison be adapted to the reception of civil and criminal prisoners; and that the County Board, keeping this in view, should be requested to report as to a site, plan, and estimate of expense.

Tobermory, in the Island of Mull.

Tobermory, in the Island of Mull.—Tobermory is likewise a place at which a sheriff-substitute holds courts for the exercise of criminal jurisdiction. At present the prison is a mere lock-up-house of two cells. The County Board make no suggestion as to its alteration or extension.

The committee are of opinion that a larger prison is necessary. It ought to have accommodation, if not for debtors, at least for certain classes of civil prisoners, as the jurisdiction of a sheriff cannot be conveniently exercised, without having such accommodation within a moderate distance. It should also have accommodation for untried prisoners, intended to be tried before the sheriff and magistrates of the district, and those convicted and sentenced to imprisonment, for periods not exceeding 60 days. They recommend that the County Board be requested to report as to what they propose with respect to a prison at Tobermory, consistently with these views.

Fort-William.

Fort-William.—The town of Fort-William is in Inverness-shire; but the sheriff-substitute established there, holds a substitution from the sheriffs of both the counties of Inverness and Argyle, under the authority of the Act XI. Geo. IV., and 1 Will. IV., c. 37, sec. 14, by which it is declared "competent to the sheriff of the county of Argyle and his substitutes, and to all other magistrates of the county of Argyle, to grant all warrants, civil and criminal, and to hold all courts for the trial of all causes, civil and criminal, and to pronounce judgment therein, within the town of Fort-William, in the same way and to the same effect in all respects as if such warrants were granted and judgments pronounced within the county of Argyle."

The County Board recommend that the sheriff at Fort-William, in the exercise of his Argyleshire jurisdiction, should have power to commit to the prison which must be erected at Fort-William. It would rather appear, from the above quoted terms of the Act, that it does not confer this power. But a union between the counties of Inverness and Argyle, under the 52d section of the Prisons Act, would not sufficiently accomplish the object, because it could only extend to convicted prisoners, and would leave unremedied the obvious inconvenience of sending Argyleshire prisoners, committed for trial at Fort-William, to Inverary, to be again brought back to Fort-William for trial. In these circumstances, and referring to what the committee say on this subject, in reporting on the prisons of Inverness-shire, they recommend that the County Board of Argyle be requested to confer with that at Inverness, relative to a prison at Fort-William, and make such suggestions to the General Board as they may think fit.

Bowmore.

Bowmore, in the Island of Islay.—The County Board state that a prison of the third class is indispensable at this place. They should, therefore, be requested to report forthwith as to a site, plan, and estimate of expense.

Dunoon, Lochgilphead, Oban.

Dunoon, Lochgilphead, Oban.—The County Board think it desirable also to have lock-up houses at these places, but state that they are prevented by the great expense from recommending them at present. The committee recommend that the County Board be informed that the General Board are willing to borrow money on security of the assessment of 328*l.* 3*s.* 4*d.*, authorized by the 36th section of the Act for building, altering, or repairing prisons, and of any addition that may be consented to be made thereto by the local authorities. So long as prisons are required in the county, this assessment must be kept up, and to delay building these prisons, would therefore merely save for a few years the interest of the small sum required for their erection. The County Board should be requested to reconsider this matter, and, if they should think fit, to report as to sites, plans, and estimates of expense of lock-up houses at these places.

They should be adapted to the reception of criminal prisoners for very short periods only.

Buteshire.

2. BUTESHIRE.

Rothesay, Isle of Bute.

Rothesay, Isle of Bute, Burgh Prison.—The General Board, at their meeting on 12th September, 1840, on the application of the County Board, authorized certain improvements to be made upon the prison at Rothesay, according to a detailed report by Mr. Brebner, and directed estimates of the expense of executing the same to be transmitted to them for approval.

The Committee understand that these improvements are in progress, and that the County Board will have no difficulty in obtaining the requisite funds.

The prison at Rothesay must be a prison for civil and criminal prisoners.

Brodick, Isle of Arran.

Brodick, Isle of Arran.—The sheriff doubts whether the place supposed to be a barony prison, being part of the castle at Brodick, be a legal place of confinement. It is, at all events, unfit for the purpose, and ought to be discontinued.

The County Board have already applied to the General Board, and obtained, on 12th September last, authority to erect a new lock-up house in Arran, conform to the model plan No. 1; and were, at the same time, directed to report as to the site and estimate of expense.

The Committee recommend that this direction be renewed; and that the County Board be also requested to report as to whether they consider a lock-up house is required at *Millport,* as suggested both by the Sheriff and Inspector of prisons; and if so, to report as to the site, plan, and estimate of expense.

CIRCUIT OF ABERDEEN.

1. Aberdeenshire.

Aberdeenshire.

Aberdeen Prisons.

Aberdeen Burgh and County Prison, and *Aberdeen Burgh and County Bridewell.*—These two prisons, situated in the city of Aberdeen, although at a little distance from each other, were, upon the application of the County Board, united by the General Board, on 9th September last, into one prison under one establishment of officers, to be denominated the prison of Aberdeen. That part of it which was formerly the gaol is distinguished by the the name of the east prison, and that which was the Bridewell is called the west prison. On the 11th August and 9th September last, the General Board authorized various alterations to be executed in the east prison, in order to warm it by means of Perkins's heating apparatus, to promote the separation and inspection of the prisoners, the ventilation of the prison, &c. These alterations the Committee understand to be now in progress.

With respect to the west prison and the sheriff's report thereon, the Committee recommend that the County Board be requested to state what they propose in order to provide secure airing yards, and to warm the prison.

Police Cells and Old Tolbooth.

Police Cells and Old Tolbooth.—The Inspector of prisons having stated to the Committee, that besides these two prisons in Aberdeen, there are other two not contained in the table, namely, police cells, and a building named the Old Tolbooth, to which last his attention had been recently called when in Aberdeen, and which he thought should be discontinued, the Committee recommend that the County Board be requested to report as to these prisons, and make such suggestions in regard to them as they may think proper.

Old Aberdeen Burgh Prison.

Old Aberdeen Burgh Prison, used as a Lock-up House.—The County Board report that this small prison, which is only about a mile from Aberdeen, should be discontinued. The Committee agree in this opinion, and recommend that the County Board should make application to the General Board to that effect, stating from what period it should be discontinued, and how it should be disposed of.

Peterhead and Huntly Prisons.

Peterhead and Huntly.—The present prisons at these towns are merely burgh of barony prisons used as lock-up houses. The County Board report that at both of them a second class prison is intended to be built. The Committee approve of this being done; and at Peterhead especially, where a sheriff-substitute has recently been established, no time should be lost in providing a prison which should be adapted to the reception of untried criminal prisoners and those convicted for short periods, and also of certain classes of civil prisoners, exclusive of debtors. The Committee therefore recommend that the County Board be requested to report as to the sites, plans, and estimates of expense of new prisons at Peterhead and Huntly.

Fraserburgh and Tarland Prisons.

Fraserburgh, Tarland.—The County Board report, that third class prisons are intended to be built at these places. Of this the Committee approve, and recommend that the County Board be requested to report as to the sites, plans, and estimates of expense.

Kintore Inverury, Turriff, Strichen, and Old Meldrum Prisons.

Kintore, Inverury, Turriff, Strichen, Old Meldrum.—The two first of these places are royal burghs, having burgh prisons used merely as lock-up houses; and there are small prisons at the other places. The County Board make no definite suggestion in regard to any of them. The Committee recommend that they be requested to report whether, and if so, to what extent, they are sufficient prisons, and for what classes of prisoners they should be legalized; and if not sufficient, whether they should be repaired or replaced by new ones, or discontinued and disposed of.

The Committee are of opinion that the prison of Aberdeen should be the only prison in the county legalized for the reception of all descriptions of civil and criminal prisoners; that the prison of Peterhead should be legalized for the reception of certain descriptions of civil and criminal prisoners; and that the new prison to be built at Huntly, and the other prisons in the county, should be legalized as prisons for criminal prisoners for short periods, or as lock-up houses.

2. Banffshire.

Banffshire

Banff Burgh Prison.

Banff Burgh Prison.—All the authorities who have reported upon this prison concur in representing it as being insufficient, and incapable of being rendered sufficient on its present site. The County Board appear also to entertain this opinion, and state, in the return to the table of prisons, that it ought to be continued in the mean time, and certain temporary repairs executed, to improve the ventilation and internal arrangements.

In the subsequent minutes of the County Board of 5th September 1840, after considering the alterations which would be necessary, if the present prison were retained, and the situation, which was reported to them to be very unhealthy, it is stated, that the Board are of opinion, that it would be advisable to change the site, and to build a completely new prison. The clerk was therefore directed to make inquiry as to where a good site might be obtained, and upon what terms; and it appears from the subsequent minutes of the County Board of 25th September, that certain steps had been taken with the view of obtaining a new site, although the negotiation had not been completed.

The Committee agree in the opinion thus entertained, that a new prison ought to be provided at Banff on a different site, and recommend that the County Board be requested to proceed with as little delay as may be practicable in adopting the necessary measures for this purpose, and to report as to a site, plan, and estimate of expense. The County Board should at the same time report their opinion as to the disposal of the present prison, and, in doing so, they ought to take into consideration two matters which the Committee observe to be stated in a memorial from the County Board, dated 10th August last, relative to a sum of £1000 being said to be at present a lien and burden upon the prison, and two rooms in the prison being claimed as part of the sheriff clerk's office. With regard to the former of these subjects, the County Board should examine and report in what manner the debt has been constituted, and how far it is legally a burden on the prison.

In the mean time, the County Board are requested to report as to any temporary alterations or improvements which may be made on the present prison, in order to adapt it to the system of discipline required by the Act and the introductory rules.

Cullen Burgh Prison.

Cullen Burgh Prison or Lock-up House.—In the return to the table of prisons the County Board report their opinion, that a new third class prison ought to be built at Cullen. But in their minutes of 25th September, since received, they alter their former resolution, and report, that the present prison may be converted into a sufficient lock-up house, having two cells and a keeper's house; and they recommend, that this might be done instead of building a new one. The Committee are of opinion that this recommendation should be approved of, subject to Mr. Brown's report on the proposed plan of alterations, and that the County Board should be requested to transmit a plan and specification thereof.

Macduff Lock-up House.

Macduff Lock-up House.—The County Board recommend that the lock-up house at this place, which is only about 1½ miles from Banff, should be discontinued. The committee agree in this opinion, and recommend that the County Board should make application to that effect to the General Board, stating in what manner the present lock-up house should be disposed of.

Keith, Dufftown, and Tomantoul Lock-up Houses.

Keith, Dufftown, and Tomantoul Lock-up Houses.—In the return to the Table of prisons the County Board state that third class prisons ought to be provided at these places; at the former, by building a new prison on a different site, and at the two latter by converting the present buildings into third class prisons. Since that time the County Board have taken further steps in pursuance of their resolution, and have transmitted a plan and specification of the new lock-up house at Keith, and a sketch and specification of the proposed alterations at Tomantoul, with probable estimates of expense. Of these the committee recommend that the General Board should approve, subject to Mr. Brown's report thereon, and that the County Board should be further requested to report as to the plan, specification, and estimate of the proposed lock-up house at Dufftown.

Portsoy Lock-up House.

Portsoy Lock-up House.—The County Board recommend that the lock-up house at Portsoy should be discontinued, and a third class prison built in the village of Aberchirder. Of this the committee approve, and recommend that the County Board be requested to make application to that effect to the General Board, stating in what manner the present lock-up house is to be disposed of.

Aberchirder.

Aberchirder.—The County Board recommend that a third class prison should be built at this place; and it appears from their minutes of 25th September last, that Mr. Aitken had communicated his intention of giving the County Board a site gratis. The committee recommend that the General Board approve of the erection of a lock-up house at Aberchirder, and that the County Board be requested to report as to a site, plan, and estimate of expense.

The Committee are of opinion that the only prison in Banffshire which ought to be legalized for the reception of all descriptions of civil and criminal prisoners, is the prison at Banff, and that the others should only be legalized for the reception of criminal prisoners for short periods, to be afterwards determined.

The assessment which may be raised in the county of Banff for building, altering, and repairing prisons, amounts to 128*l.* 18*s.* 4*d.* The committee recommend that the General Board should express their willingness to borrow such sums as may be necessary on the security of this assessment, and of any addition thereto that may be consented to by the local authorities.

Kincardineshire.

3. KINCARDINESHIRE.

Stonehaven County Prison.

Stonehaven County Prison.—In the return to the Table of prisons, the County Board report, that it is wished to form a union with Aberdeen; and if that be accomplished, the present prison, with additional cells and airing-ground, will be sufficient for a second class prison. At a meeting of the County Board, however, held on 20th October last, they resumed consideration of the question, whether it is more advisable to form a union with the county of Aberdeen, in regard to a first class prison, or to have a first class prison at Stonehaven; and having fully considered the whole matter, with a plan of proposed additions to the prison at Stonehaven, comprehending ten cells, or nine cells and a bath-room, with an airing-yard, they resolved that, in their opinion, it is advisable with a view both to economy and convenience, that a first class prison for the county should be erected at Stonehaven, the county town; and that the additional buildings represented on the plan will, with the apartments at present in use, afford every accommodation requisite in a prison of the first class for this county. Along with these minutes, the County Board transmitted plans of the proposed additions.

The committee having considered the minutes of the County Board, and the accompanying plans, recommend that the General Board should approve thereof, subject to Mr. Brown's report thereon.

In thus reporting on the recently proposed plans, with regard to the prison at Stonehaven, the committee are of opinion that good reasons are stated by the County Board in support of their resolution; while, at the same time, it is satisfactory to observe that it is stated in the minutes, as one of those reasons, that the expense of the proposed additions to the present prison will exceed, by only an inconsiderable sum, what would necessarily be laid out in providing a prison of the second class; and that, therefore, if it should afterwards be found expedient to form a union with Aberdeenshire, that may still be done without any important sacrifice of previous expenditure.

Inverbervie Burgh Gaol.

Inverbervie Burgh Gaol.—The present prison is quite insufficient. The County Board propose that it should be discontinued, and that a new prison, of two cells and a keeper's house, be erected on a convenient site, in connexion with a new court-house and council chamber, to be erected by the magistrates of the burgh. The committee approve of this proposed arrangement, and recommend that the County Board be requested to report their proceedings accordingly without delay.

Banchory and Fettercairn Lock-up Houses.

Banchory and Fettercairn Lock-up Houses.—The County Board report that these are private property, and have never been recognized as legal prisons; and state their opinion, that it is unnecessary there should be prisons at either of these places. In this opinion the committee recommend that the General Board should agree.

Laurencekirk Prison.

Laurencekirk.—The County Board report that a new prison, according to the model plan No. 1, should be erected at Laurencekirk, where none exists at present; and have transmitted a specification for building the same. The committee recommend that the General Board should approve of it, subject to Mr. Brown's report thereon.

The committee are of opinion that the only prison in Kincardineshire, which should be adapted to the reception of all descriptions of civil and criminal prisoners, is that at Stonehaven, and that the other prisons should only receive criminal prisoners for short periods, to be afterwards determined.

The annual assessment for building, altering, and repairing prisons in Kincardineshire is 113*l.* 18*s.* 4*d.*; on the security of which, and of any addition which may be consented thereto by the local authorities, the committee recommend that the General Board should express their willingness to borrow such sums as may be requisite.

PERTH CIRCUIT.

1. PERTHSHIRE.

Perthshire.

Perth City and County Prison.

Perth City and County Prison.—The County Board report that certain alterations suggested by the Inspector, are in progress of being made.

The committee recommend that the County Board be requested to report as to the alterations in progress, and whether they have to suggest any others, in order to render the prison suitable to the system of discipline required by the Act and the introductory rules.

Perth Police Cells.

Perth Police Cells.—Nine cells are said to have been recently fitted up, but are not further reported on. The committee recommend that the County Board be requested to report with respect to their fitness for the purpose of being used as police cells.

Culross Burgh Prison.

Culross Burgh Prison.—This prison was, on 12th September, 1840, discontinued by the General Board as a prison for five classes of civil prisoners reported by the committee on classification. The County Board suggest that it should be maintained as a gaol for criminals, and mention that repairs have been ordered upon it. The committee concur in the opinion that it should be used only for criminal prisoners for short periods. They recommend that the County Board be directed to report as to the alterations ordered, what they are, and whether they have been executed.

Dunblane Lock-up House.

Dunblane Lock-up House.—The present prison consists of two cells, only one of which is lighted. All the authorities who report upon it agree that it is bad in itself, and insufficient for Dunblane, where a sheriff-substitute is established, and where criminal courts are held for the exercise of the sheriff's jurisdiction. The County Board report that a new prison is ordered at Dunblane, or where the seat of the court may be, which, when erected, will be for the reception of both civil and criminal prisoners; and, meantime, that the present building is only to be used as a gaol for criminals for short periods. The committee are of opinion that, in pursuance of the 26th section of the Act, a new prison ought to be forthwith erected at Dunblane; and therefore they recommend that the County Board be requested to report as soon as possible as to a site, plan, and estimate of expense of a new prison.

Dunkeld Lock-up House.

Dunkeld Lock-up House.—The County Board report that the present lock-up house, which is situated under one of the arches of the bridge over the Tay, ought to be condemned as unsuitable, and a new one built on another site. Of this the committee approve, and recommend that the County Board be requested to report as to a site, plan, and estimate of expense of a new lock-up house.

Cupar-Angus Lock-up House.

Cupar-Angus Lock-up House.—The County Board propose that the present lock-up house should be altered at the mutual expense of the counties of Perth and Forfar. The Committee recommend that the Prison Boards of these counties should communicate with each other on the subject, and suggest such measures for this purpose as they may think fit.

Blairgowrie and Kincardine.

Blairgowrie and Kincardine.—Alterations are recommended by the County Boards on the lock-up houses at these places, which are at present insufficient. They should be requested to report the plans and estimates of expense of the proposed alterations.

Crieff Lock-up House.

Crieff Lock-up House.—The County Board report that this lock-up house has become ruinous, and that a new one on the same site is under contemplation. They should be requested to report their determination as to this prison, with plan and estimate of expense.

The Committee recommend that the County Board should also be requested, with reference to the suggestions made by the Inspector of Prisons and the sheriff, as to new small prisons being required where none now exist, at Aberfeldy, Alyth, Auchterarder, Callander, Doune, Errol, and Pitlochrie, to report their opinion how far they are requisite, and the sites, plans, and estimates of expense of such as appear to them to be necessary.

The Committee are of opinion that the prison at Perth should be the only one, under the charge of the Prison Board of Perthshire, legalized for the reception of all descriptions of civil and criminal prisoners; that the prison to be erected at Dunblane should be legalized for certain descriptions of civil prisoners, untried criminal prisoners, and those sentenced to short periods of imprisonment; and that the other prisons should only be used for the imprisonment of criminals for very short periods, to be afterwards determined.

The sum authorized to be levied annually in Perthshire for building, altering, and repairing local prisons, amounts to 630*l.* 6*s.* 3*d.* The Committee recommend that the General Board should borrow such sum as may be necessary on the security of this assessment, and of such addition thereto as may be consented to by the local authorities.

Forfarshire.

2. Forfarshire.

Dundee County, Burgh, and Police Prison and Bridewell.

Dundee County, Burgh, and Police Prison, and Bridewell.—The prison at Dundee is at present by far the largest and most efficient in the county of Forfar. It is stated by the County Board, however, that it is not sufficiently large, although it may be so when relieved by the opening of the general prison at Perth. In the mean time they consider it to be inexpedient to enlarge it. The Committee recommend that the County Board be requested to report what they propose to do in order to complete the prison for the purposes prescribed by the Act and the introductory rules, especially with reference to warming the cells and making them all large enough for the separate confinement of prisoners.

Forfar Burgh Prison.

Forfar Burgh Prison.—The County Board state, that the present prison is quite inadequate, and that a new prison is necessary; but that it is impossible at present to say of what class. The Committee recommend that the County Board be requested to report as soon as possible what they propose to do in regard to the erection of a new prison at Forfar.

Arbroath, Montrose, Brechin Burgh Prisons.

Arbroath, Montrose, Brechin Burgh Prisons.—The County Board report, that the prison at Montrose is at present sufficient, but that new prisons are required at Arbroath and Brechin,—the former of ten cells, and the latter of the third class.

Before expressing any opinion as to the size of the prisons required at these burghs, the Committee would desire to know the views of the County Board with respect to the extent of prison accommodation to be provided at Dundee and Forfar. The Committee consider, that the prisons at these last-mentioned towns, which are the seats of the sheriff's courts of ordinary jurisdiction, should be the only prisons in the county legalized for the reception of both civil and criminal prisoners, and that only one even of these should receive all descriptions of civil and criminal prisoners. The prisons of Arbroath, Montrose, and Brechin, the Committee think, ought to be discontinued for civil prisoners, and limited to the reception of criminal prisoners for short periods. They therefore recommend that these views be communicated to the County Board, and that they be requested to report their opinion and suggestions accordingly.

Cupar-Angus Lock-up House.

Cupar-Angus Lock-up House.—The County Board report, that the lock-up house here can be fitted up for the use of the counties of Perth and Forfar. The Committee recommend that the Prison Boards of these counties should communicate with each other on the subject and suggest such measures for this purpose as they may think fit.

Kirriemuir, Glammis, Carnoustie.

Kirriemuir, Glammis, Carnoustie.—The Committee recommend that the County Board be requested to report as to providing sufficient lock-up houses at these places. They should also report as to lock-up houses at

Lochee and Newtyle.

Lochee and Newtyle, where none exist at present, and where both the Inspector of Prisons and the County Board suggest that they may be required. They ought at the same time to furnish explanations as to the site, plan, and estimate of expense of any new lock-up houses deemed requisite, and the plan and estimate of expense of proposed alterations.

The annual assessment in Forfarshire for building, altering, and repairing local prisons is 707*l.* 13*s.* 9*d*; on the security of which, and of any addition that may be made thereto by the local authorities, the Committee recommend that the General Board should signify their willingness to borrow such sums as may be necessary.

Fife.

3. Fife.

Note.—*The Committee have in the mean time delayed consideration of the prisons and prison accommodation required in the county of Fife.*

See subsequent Report relative to the county of Fife, page 96.

EDINBURGH DISTRICT.

Edinburghshire.

1. Edinburghshire.

Calton Burgh Prison, and Calton Burgh and County Bridewell.

Calton Burgh Prison, and Calton Burgh and County Bridewell.—These prisons were, on the application of the County Board, united by the General Board, on 10th July last, into one prison, to be called the Prison of Edinburgh.

The County Board report that the united prison is insufficient in point of size, and unsuitable for the system of discipline required by the Act; and that they have, in consequence, remitted to Mr. Brown, architect, to report as to its capability of being improved and enlarged.

The Committee recommend that the County Board be requested to report, as soon as convenient, as to the improvements they propose to make on the Prison of Edinburgh.

Canongate Burgh Prison.

Canongate Burgh Prison.—This prison was, on 10th July last, upon the application of the County Board, discontinued, and directed to be sold.

Abbey Barony Prison.

Abbey Barony Prison.—This is a small prison, situated within the precincts of the Abbey of Holyrood. The Committee observe, from the reports of the Sheriff, the County Board, and the Inspector of Prisons, that it is sufficient for the purposes for which it is used, and that it is in a tolerably good state. They have no further remark to make.

Lock-up House behind Parliament House.

Lock-up House behind Parliament House.—All the authorities who report on this lock-up house agree in opinion as to its badness and insufficiency; and the County Board state that it is inadequate, and ordered to be discontinued. They should be requested to state if it has actually been discontinued, and whether any other similar place of confinement has been proposed to be substituted for it near the Justiciary and Sheriff Courts.

Police Prison off High Street.

Police Prison off High-street.—The County Board report that this prison is insufficient, and that better accommodation is required, and in contemplation of being procured by an arrangement with the Police Board. The Committee agree in the opinion that better accommodation is required; and recommend that the County Board be requested to report, as soon as convenient, as to the steps taken for procuring it. The Committee are of opinion that the police cells should be used for criminal prisoners, for very short periods only.

Leith Prison and Leith Police Prison.

Leith Prison and Leith Police Prison.—It appears from the reports referred to in the table of prisons, that the prison at Leith was built in 1822, at the expense of the city of Edinburgh, but that it has never been legalized or used on account of its insecurity; and that the police cells are ill constructed and ill ventilated, and that a new police prison is therefore required. The Committee recommend that the County Board be requested to report as to the provision of suitable prison accommodation for Leith, keeping in view the criminal and police jurisdiction exercised by the magistrates and police authorities of the town, and the provisions of the 32d section of the Act.

Musselburgh, Dalkeith, Lasswade, Pennycuik.

Musselburgh, Dalkeith, Lasswade, Pennycuik.—With respect to these prisons, the County Board report that, being desirous to act on the principle of affording to all prisoners the benefit of the separate system, which they are of opinion can best be obtained in a large gaol, they have delayed making particular inquiries respecting the state of these minor gaols until it be ascertained whether the prison of Edinburgh may not be so enlarged as to contain all the classes of prisoners formerly confined in these gaols, excepting those for very short periods of imprisonment. They also state their opinion that, provided the prison of Edinburgh shall be so enlarged, all these minor prisons, situated in the rural districts, including Musselburgh, should be considered as mere lock-up houses. In these views the Committee agree, and they are, therefore, unwilling to urge the County Board to come to any premature decision; but considering the condition of these prisons, as stated in the reports of the sheriff and inspector, the Committee recommend that the County Board be requested to suggest such improvements upon them as they may think proper, with as little delay as possible.

Portobello and Mid-Calder.

Portobello and Mid-Calder.—The County Board should also be requested to report their opinion as to the suggestion of the inspector of prisons that new small prisons are required at Portobello and Mid-Calder.

The Committee are of opinion that the prison of Edinburgh should be the only prison in the county legalized for the reception of civil and criminal prisoners, and that the other prisons should only receive criminal prisoners for very short periods. The General Board have already, by their order of 12th September last, discontinued the prisons of Musselburgh and Dalkeith as prisons for the five classes of civil prisoners reported by the Committee on Classification, and have further limited the periods for which convicted criminal prisoners may be confined in them to 30 days in the prison of Musselburgh, and 8 days in that of Dalkeith.

The assessment authorized to be imposed on the county of Edinburgh for building, altering, and repairing local prisons amounts to 1,462*l.* 2*s.* 6*d.* The Committee recommend that the General Board should express their willingness to borrow such sums as may be necessary on the security of this assessment, and of any addition that may be made thereto, in terms of the 36th section of the Act.

2. HADDINGTONSHIRE.

Haddingtonshire.

Haddington Burgh Prison.

Haddington Burgh Prison.—All the authorities referred to in the table of prisons agree in reporting as to the unfitness of the present prison. It forms part of the town-house, situated in the midst of the town, is deficient in size and accommodation, has no airing-ground, and is incapable of sufficient extension on its present site. The County Board state, that it is insufficient for the separate system, and incapable of being rendered sufficient; and that if the county shall not resolve upon a union with Mid-Lothian, the present prison should be disposed of, and a new one erected upon a different site.

The Committee agree in the opinions thus expressed as to this prison. The General Board have already had occasion to exercise the power vested in them by the 31st section of the Act, by making application to the Court of Justiciary, on 9th November last, for the removal of five convicted prisoners from the prison of Haddington to Glasgow Bridewell, on account of the want of accommodation in the prisons of the county of Haddington; and, so long as the present want of accommodation exists, the Committee are of opinion that it will be necessary to continue to exercise this power. The consequence will be that the county of Haddington will be liable in double the expense of the conveyance and maintenance of prisoners so removed, which will be payable to the county into the prisons of which such removals may take place. The Committee recommend that the County Board should be requested to report, as soon as possible, what they shall determine with respect to providing sufficient prison accommodation.

The prison of Haddington ought to be a prison for all descriptions of civil and criminal prisoners.

Dunbar and North Berwick Burgh Prisons.

Dunbar and North Berwick Burgh Prisons.—These prisons were, on the 9th October last, discontinued by the General Board as prisons for the five classes of civil prisoners reported by the Committee on Classification. The County Board report that both of them are insufficient, and require alteration; the former so as to afford four cells and a keeper's house, and the latter two cells and a keeper's house; and that they should be used for criminals previous to trial, and after conviction for periods not exceeding 14 days. The Committee recommend that the General Board should signify their approval of the opinions of the County Board with respect to these prisons, and that they be requested to report plans and estimates of expense of the proposed alterations.

Tranent, Linton, Gifford, Prestonpans.

Tranent, Linton, Gifford, Prestonpans.—The County Board report that new lock-up houses are required at these places, in which the Committee agree, and recommend that the County Board be requested to report, with respect to each, as to the site, plan, and estimate of expense.

The assessment on the county of Haddington for building, altering, and repairing local prisons amounts to 135*l.* 6*s.* 8*d.* annually. The Committee recommend that the General Board should state their willingness to borrow such sums as may be necessary, on the security of this assessment, and of any addition that may be made thereto by the local authorities, in terms of the 36th section of the Act.

Linlithgowshire.

3. LINLITHGOWSHIRE.

Linlithgow Burgh Prison.

Linlithgow Burgh Prison.—The present prison is part of the town-house of Linlithgow and is stated by all the authorities referred to in the table of prisons to be insufficient for the wants of the county. The County Board further report, that it could not be made sufficient for a first-class prison, but that an union with another county is desirable; and in the meantime that orders have been given for temporary alterations and repairs.

The Committee are of opinion that the present prison is inadequate in size and accommodation to the wants of the county. They recommend that the County Board be requested to report if the alterations and repairs ordered have been made, and their effect; and also what they propose to do in order to provide sufficient prison accommodation.

Queensferry Burgh Prison or Lock-up House.

Queensferry Burgh Prison or Lock-up House.—The County Board report that a third class prison or lock-up house is all that is required at Queensferry, and that a trifling alteration in the present prison may suffice. The Committee agree in opinion with the County Board as to the nature of the prison required at this place, and recommend that they be requested to state what alterations they propose,

Bathgate Barony Prison.

Bathgate Barony Prison.—A lock-up house is also reported by the County Board to be all that is required at Bathgate; and the situation of the present prison being bad, they are desirous of building a new one, under an arrangement with the magistrates of the town. The Committee approve of the views of the County Board, and recommend that they be requested to report what they propose to do in order to carry them into effect.

Borrowstonness.

Borrowstonness.—With reference to the suggestion by the Inspector of prisons, that a small prison is wanted at Borrowstonness, where none exists at present, the Committee recommend that the County Board be requested to report their opinion.

The committee are of opinion that the only prison in Linlithgowshire to be legalized for the reception of all descriptions of civil and criminal prisoners should be at Linlithgow; and that the other prisons should be used only for criminal prisoners for very short periods, to be afterwards fixed. They recommend, therefore, that if civil prisoners can at present be received at either of the prisons of Queensferry or Bathgate, as would appear from the report of the County Board to be the case, the County Board should apply to the General Board for their discontinuance for this purpose, or state their objections against doing so.

The annual assessment authorized to be imposed by the General Board on Linlithgowshire for building, altering, and repairing local prisons, is 113*l.* 17*s.* 11*d.*; on the security of which, and of any addition which may be made thereto by the local authorities, the Committee recommend that the General Board should state their willingness to borrow such sums as may be required.

AYR CIRCUIT.

Ayrshire.

1. AYRSHIRE.

Ayr County Prison.

Ayr County Prison.—The prison of Ayr has been conducted on the separate system for some years. Indeed, the complete separation of prisoners was recommended by the authorities of this county ten years ago, in the Reports made in obedience to the Act of 10 Geo. IV., c. 54. The County Board state that the prison may require some alterations, in order fully to adapt it to the system of discipline required by the Act, but the consideration of these has been deferred until a proposal from Wigtonshire for an Union be decided on.

The Committee are of opinion that the County Board should be requested to report as to the contemplated alterations, including the warming of the prison.

Ayr Lock-up House.

Ayr Lock-up House.—The County Board suggest that the further ventilation of the lock-up house is required, and that it should be furnished with boards for the prisoners to lie on. The Committee approve of these suggestions, and recommend that the Board should authorize them to be carried into effect forthwith.

Newton-on-Ayr Lock-up House.

Newton-on-Ayr Lock-up House.—The sheriff reports that this lock-up house is insufficient and unnecessary, and may be discontinued. The Committee are inclined to agree in this opinion, and recommend that the County Board be requested to state if they see any objection to its discontinuance, and if not, to make application to that effect to the General Board, stating, at the same time, the manner in which the lock-up house should be disposed of.

Irvine Burgh Prison.

Irvine Burgh Prison.—This prison was, on 24th September last, discontinued on the application of the County Board, as a prison for the five classes of civil prisoners reported by the Committee on Classification. It appears from the opinions referred to in the table of prisons, to be in a very insufficient state; but the County Board reported that they had deferred the consideration of the alterations required, until it should be discontinued for civil prisoners, and until a proposal to the magistrates of Irvine as to the disposal of the present prison to them, and building a new one of the third class for criminals elsewhere, be disposed of. The Committee recommend that the County Board be now requested to report what they have to propose with reference to this prison.

Girvan Barony Lock-up House.

Girvan Barony Lock-up House.—The County Board report that this prison requires only a small repair to be used for prisoners for eight or ten days. The Committee are of opinion that a lock-up house of this description will be sufficient; and that the County Board should be requested to report as to the repairs or alterations necessary.

Maybole Barony Lock-up House.

Maybole Barony Lock-up House.—The County Board state that this prison ought to be repaired and divided, at the expense of about 35*l.*, when it will be suitable as a lock-up house for prisoners for eight days. The Committee suggest that the County Board should be requested to transmit a plan of the alterations.

Old Cumnock and Mauchline Barony Lock-up Houses.

Old Cumnock and Mauchline Barony Lock-up Houses.—The County Board report that these prisons are unsuitable, and should be disposed of; and that new lock-up houses of two cells are necessary. The Committee agree in this opinion, and recommend that the County Board be requested to report as to the sites, plans, and estimates of expense, and also as to the manner in which the present lock-up houses should be disposed of.

Katrine Barony Lock-up House.

Katrine Barony Lock-up House.—The County Board recommend that this prison should be discontinued, of which the Committee approve, and request the County Board to report as to the manner in which it should be disposed of.

Galston and Newmills Barony Lock-up Houses.

Galston and Newmills Barony Lock-up Houses.—The County Board propose to keep up lock-up houses at both of these places, and suggest an addition of an adjoining apartment to that of Galston, and the repairing of that at Newmills, or providing a new one. The Committee recommend that the County Board be requested to report plans and estimates of the proposed operations.

Stewarton Barony Lock-up House.

Stewarton Barony Lock-up House.—A question arose between the superior of the Barony of Stewarton and the Prison Board of Ayrshire, as to the right to this prison. The County Board delayed expressing any opinion, until it should be determined whether the prison passed to them under the Act; and a reference having been made to the General Board on the subject, they determined, after inquiry and report by a Committee, that every house, room, or place, which had been provided or appropriated by a baron for being used as a prison, and which had been duly allowed by the sheriff or steward, in pursuance of the Jurisdiction Act, and had thereby been legalized, is a legal prison in the sense of the Prisons Act, and is therefore vested in the Prison Board of the county in which it is situated, both with respect to property and management. With respect, however, to the prison of Stewarton, the Board were inclined to think, that in the circumstances, it ought to be abandoned. The Committee understand that the question between the County Board and the superior of the Barony of Stewarton, as to this prison, is now settled, by the superior agreeing to the proposal of the County Board, that he should give a site for a new prison at Stewarton, on condition of all right to the old one being abandoned.

The Committee recommend that the County Board be requested to report as to the site, plan, and estimate of expense of the new prison.

Kilmarnock Barony Lock-up House.

Kilmarnock Barony Lock-up House.—All the authorities who report on the present prison at Kilmarnock, agree that it is insufficient and incapable of being rendered sufficient for a proper system of discipline. The County Board also report that it should be discontinued and disposed of, and that a new prison should be built, of which a plan was transmitted for the opinion of the General Board, but without a site having been then obtained. Sometime afterwards, the clerk of the County Board requested that the plan might be returned in order to be exhibited at a conference between the County Board and the magistrates of Kilmarnock, in regard to a proper site for the new prison. This was accordingly done, but no report has since been made by the County Board of their proceedings.

The Committee are of opinion that a new prison is required at Kilmarnock, and recommend that the County Board be requested to report, as soon as possible, as to the site, plan, and estimate of expense.

Kilmaurs, Kilwinning, Saltcoats, Dalry, Beith, and Largs, Barony Lock-up Houses.

Kilmaurs, Kilwinning, Saltcoats, Dalry, Beith, and Largs, Barony Lock-up Houses.—The County Board appear to desire to keep up lock-up houses at these different places, and report that alterations are necessary, in some instances, on the present prisons, and that in others, new prisons are required. The Committee are of opinion, that the County Board should be requested to reconsider how far lock-up houses are required at all these places, and to report plans and estimates of expense of the operations they propose, with explanations as to the sites of any new prisons determined on by them.

Prestwick Barony Lock-up House.

Prestwick Barony Lock-up House.—The sheriff reports that this lock-up house is insufficient, and both he and the Inspector are of opinion that it may be discontinued. The Committee are inclined to agree in this opinion, and recommend that the County Board be requested to state if they see any objection to its discontinuance, and if not, to make application to that effect to the General Board, stating at the same time the manner in which the lock-up house should be disposed of.

The Committee are of opinion, that the prison of Ayr should be the only one in the county legalized for civil and criminal prisoners, and that the other prisons should only receive criminal prisoners for short periods, to be afterwards determined.

The annual assessment which may be imposed on Ayrshire, by the General Board, for building, altering, and repairing local prisons, is 434*l.* 5*s.* 10*d.*,—upon which, and any addition that may be made to it by the local authorities, the Committee recommend that the General Board should express their willingness to borrow such sums as may be requisite.

Wigtonshire.

2. Wigtonshire.

Wigton Burgh Prison.

Wigton Burgh Prison.—The present prison forms part of the town house, situated in the midst of the town of Wigtown. All the authorities who report upon it, concur in stating that it is insufficient as the chief prison of the county. The County Board are of the same opinion, and state that a new prison is necessary; but that until some more permanent arrangement can be made, it must be continued as at present. They also mention, that they have opened a communication with Ayrshire as to an union, and until that be disposed of, they cannot report on the class of prison required. At a subsequent meeting, the County Board recommend for consideration the placing the first class prison for the county at Glenluce, should an union with Ayrshire not be ultimately accomplished.

The Committee do not approve of Glenluce as the situation of the chief prison of Wigtownshire. They recommend that the County Board should be requested to report if they have come to any final decision as to an union, and as to the site, plan, and estimate of the new prison to be erected at Wigtown.

Stranraer Burgh Prison.

Stranraer Burgh Prison.—The County Board state, that this prison is insufficient, and requires alteration and repair, the extent of which is dependent on the proposed union with Ayrshire. The Committee recommend that the County Board should be requested to report the decision they have come to on this subject, and the plan of the proposed alterations.

Stranraer Police Office.

Stranraer Police Office.—This is reported by the County Board to be private property, held on a short lease by the Police Committee of the county. The Committee are of opinion, that it would be expedient to provide sufficient accommodation for a police prison in the prison of Stranraer, and to place the whole under one management.

Whithorn Burgh Prison.

Whithorn Burgh Prison.—This prison has been already discontinued for civil prisoners on 7th July last, on the application of the County Board. They report, that a lock-up house is all that is required; and that for this purpose the prison may be fitted up with the addition of a residence for the keeper, and some other slight alterations. The Committee agree in opinion, that nothing more is required here than a lock-up house; and recommend that the County Board should report as to the proposed alterations.

Newton-Stewart, Glenluce, and Portpatrick Lock-up Houses.

Newton-Stewart, Glenluce, and Portpatrick Lock-up Houses.—The County Board report that lock-up houses are required at these places. Those at present existing are said to be the property of private individuals. If so, new lock-up houses ought to be provided. The County Board should be requested to report as to this, and as to the sites, plans, and estimates of new lock-up houses at these towns.

The annual amount of assessment authorized to be imposed on Wigtownshire by the General Board, is 143*l.* 15*s.* 5*d.*, on the security of which and any addition that may be made thereto by the local authorities, the Committee recommend that the General Board should express their willingness to borrow any sums that may be required.

DUMFRIES CIRCUIT.

Dumfries-shire.

1. Dumfries-shire.

Dumfries County and Burgh Prison.

Dumfries County and Burgh Prison.—The County Board, after stating the extent of accommodation afforded in this prison, report that, upon the whole, the defects are so great that they cannot be remedied but by an entirely new gaol, or by a great addition to the present buildings, neither of which they recommend under existing circumstances. They also recommend for adoption, Mr. Hill's suggestions of 11th September, 1839, relative to inspecting, ventilating, and lighting the prison, and some other minor improvements, tending to the more complete separation of the prisoners.

The Committee approve of the suggestions of the County Board, as to the erection of a new prison at Dumfries, and are of opinion that it should be provided as soon as may be practicable. They therefore recommend that the County Board be requested to report as to a site, plan, and estimate of expense. They also approve of Mr. Hill's suggestions for the temporary improvement of the present prison, and recommend that the General Board should authorize them to be immediately carried into effect by the County Board.

Annan Burgh Prison.

Annan Burgh Prison.—This prison was, on 7th July last, on the application of the County Board, discontinued as a prison for civil prisoners.

The County Board report that it should be disposed of as provided by the Act, and a proper lock-up house erected in its stead, in some convenient part of the burgh. They have more recently transmitted, for the opinion and directions of the General Board, a certificate from masons appointed to inspect the prison, stating that it is in a state of considerable danger, owing to the weight of the steeple which has been reared upon arches, supported by the old walls, and that there is risk of the steeple falling, in which event great damage would be done; and the County Board, at the same time, report that they have given their consent to the taking down of the steeple by the magistrates and council of Annan, on condition that when the operation is completed, they shall put the roof into proper order, so as to keep the building fit for its present purposes, until otherwise disposed of.

The Committee recommend that the authority of the Board be given to remove the steeple in the manner and on the condition mentioned. They also recommend that the General

Board should approve of the disposal of the present prison, and the erection of a new one in its stead; and that the County Board be requested to report as to a site, plan, and estimate of a new prison, and the manner in which the present prison should be disposed of.

Sanquhar and Lochmaben Burgh Prisons.

Sanquhar and Lochmaben Burgh Prisons.—These prisons were also, on 7th July last, on the application of the County Board, discontinued for civil prisoners.

The County Board report that they are both insufficient and insecure, but may with alterations be rendered fit to be used as lock-up houses. The Committee are of opinion that prisons of this description are all that are required at these places, and recommend that the County Board be requested to report the plans of the proposed alterations, with estimates of expense.

Lockerby, Moffat, and Langholm Lock-up Houses.

Lockerby, Moffat, and Langholm Lock-up Houses.—The sheriff reports that there are at present prisons at these places; but the County Board make no suggestion in regard to any of them. The Committee recommend that they should be requested to report upon them, and to state what they propose to do.

Thornhill, Ecclesfechan, Springfield.

Thornhill, Ecclesfechan, Springfield.—The Inspector of prisons reports that small prisons are wanted at these places where none exist at present. The Committee recommend that the County Board be requested to report their opinion as to this suggestion, and the sites, plans, and estimates of expense of such prisons as they may deem requisite.

The Committee are of opinion that the prison at Dumfries should be the only one in the county legalized for the reception of civil and criminal prisoners; and that the other prisons should only be used for criminal prisoners for short periods, to be afterwards determined.

The annual amount of assessment authorized to be imposed by the General Board on Dumfries-shire for building, altering, and repairing local prisons is 285*l.* 5*s.* 5*d.* The Committee recommend that the General Board should signify their willingness to borrow such sums as may be required, on the security of this assessment, and of any addition thereto which may be consented to by the local authorities in terms of the Act.

Stewartry of Kirkcudbright.

2. STEWARTRY OF KIRKCUDBRIGHT.

Kirkcudbright County and Burgh Prison.

Kirkcudbright County and Burgh Prison.—The County Board report that before giving any decided opinion as to the prison accommodation required at Kirkcudbright, they desire to keep in view an union with Dumfries, which, they say, might perhaps be attended with economy in management, and clearly also with more efficiency. At the same time they think, that if the prison of Dumfries requires to be rebuilt, while that at Kirkcudbright is nearly sufficient for the stewartry, perhaps the first outlay would more than counterbalance the diminished annual expense.

The Committee recommend that the County Board should be informed of the opinion of the General Board with respect to providing a new prison at Dumfries, and that they be requested to report what they propose to do in order to provide sufficient prison accommodation, in terms of the Act, for Kirkcudbright.

New Galloway County and Burgh Prison.

New Galloway County and Burgh Prison.—This prison was, on 7th July last, on the application of the County Board, discontinued as a prison for civil prisoners.

The prison appears, from the Report, to be quite insufficient. The County Board suggest that in the mean time it should undergo some repair to render it fit for use as a lock-up house, and that at no distant period a new lock-up house of three or four cells may be required. The Committee are of opinion that a lock-up house is all that is requisite at this place, and recommend that the County Board be requested to report as to what they propose to do to provide a proper one.

Castle Douglas and Maxwelltown Lock-up Houses.

Castle Douglas and Maxwelltown Lock-up Houses.—The County Board report generally that small prisons are required at these places; that at the former, the difficulty of enlarging the present lock-up house may render a new prison indispensable, and that the latter has been recently improved, and all that is required would be a few additional cells. The Committee recommend that the County Board be requested to report specifically what they have to propose with respect to these prisons, together with plans and estimates of expense.

Gatehouse and Creetown Lock-up Houses.

Gatehouse and Creetown Lock-up Houses, not yet inspected by the Steward.—The County Board state that they doubt whether these lock-up houses fall under the Act, as they have never been visited by the steward, and the prison at Gatehouse having been built by Mr. Murray of Broughton at his own expense. They also doubt if a lock-up house be requisite at Gatehouse, and state that the one at Creetown is amply sufficient.

With reference to these prisons, the Committee recommend that the County Board be informed of the opinion expressed by the General Board on the reference to them by the Prison Board of Ayrshire, with respect to a barony prison in that county,—which was, that every house, room, or place, which had been provided or appropriated by a baron for being used as a prison, and which had been duly allowed by the sheriff or steward, in pursuance of the Jurisdiction Act, and had thereby been legalized, is a legal prison in the sense of the Prisons Act, and is therefore vested in the Prison Board of the county in which it is situated, both with respect to property and management.

The Committee further recommend that the County Board be requested to report their opinion as to whether a lock-up house is required at Gatehouse, with the site, plan, and estimate of expense, if they shall deem it to be requisite.

The Committee are of opinion that the prison at Kirkcudbright should be the only one in the stewartry legalized for the reception of civil and criminal prisoners, and that the other prisons should only be used for criminal prisoners for short periods, to be afterwards determined.

The annual assessment authorized to be imposed on the stewartry by the General Board amounts to 144*l.* 14*s.* 7*d.* The Committee recommend that the General Board should signify their willingness to borrow such sums as may be required on the security of this assessment, and of any addition thereto which may be consented to by the local authorities.

JEDBURGH CIRCUIT.

Roxburghshire.

1. Roxburghshire.

Jedburgh Burgh Gaol and County Bridewell.

Jedburgh Burgh Gaol and County Bridewell.—The present prison comprehends what were formerly the burgh gaol and county bridewell. It is of recent construction, stands in a good situation, is capable of extension, and may be easily adapted to the reception of a larger number of prisoners than the county of Roxburgh alone will probably need to accommodate. The County Board report, that they cannot say what extent of accommodation will be required, until it is ascertained whether a union of the four counties in the Jedburgh circuit will be formed. They think, however. that the prison of Jedburgh requires alteration, but for this reason they have postponed consideration of the subject.

The Committee thus understanding that a union of the counties in this circuit is under consideration, recommend that the General Board should request to be informed as soon as any final decision is come to on the subject; and also as to what alterations are proposed to be made on the prison at Jedburgh.

Kelso, Hawick, Melrose, New Castleton Barony Prisons or Lock-up Houses.

Kelso, Hawick, Melrose, New Castleton, Barony Prisons or Lock-up Houses.—The County Board make no special suggestions with respect to the prisons at these places, or the prison accommodation required for them. The Committee are of opinion, on considering the reports referred to in the table, that small prisons are required in each of these parts of the county. They should, however, be limited to the reception of criminal prisoners for very short periods, to be hereafter determined. With respect to the Melrose district of the county, the General Board have already expressed their opinion on reference to them by the County Board, that the present prison at Melrose is not a legal prison or place of confinement, and has not vested in the County Board. It will therefore be necessary to provide a new small prison for this district, keeping in view the concluding provision of the 52nd section of the Act, with respect to the erection and maintenance of a prison at Galashiels, at the mutual expense of the adjoining counties. The Committee, therefore, recommend that the County Board be requested to report as to the prisons at Kelso, Hawick, and New Castleton; and as to what they propose in order to provide proper prisons at these places, and also in the district of Melrose, comprehending the portion of Galashiels situated in the county of Roxburgh.

The Committee are of opinion that the only prison in the county to be legalized for all descriptions of civil and criminal prisoners, should be the prison at Jedburgh.

The annual assessment authorized to be imposed by the General Board on the county of Roxburgh, for building, altering, and repairing local prisons, amounts to 320*l.* 14*s.* 2*d.* The Committee recommend that the General Board should express their willingness to borrow such sums as may be necessary on security of this assessment, and any addition that may be made thereto by the local authorities.

Berwickshire.

2. Berwickshire.

Greenlaw County Prison.

Greenlaw County Prison.—It appears from the reports referred to in the table, that the present prison is of recent erection, and substantial; but that it requires considerable alterations to adapt it to the separate system of discipline. The County Board state, that if the proposed junction with the other counties of the circuit district, for having a prison of the first class at Jedburgh, should take place, it is proposed to make Greenlaw gaol a prison of the second class.

The Committee recommend that the opinion of the General Board with respect to prison accommodation at Jedburgh be communicated to the Berwickshire Prison Board; and that they should be requested, in the mean time, to suggest any alterations they may deem necessary on the prison of Greenlaw, with the view of carrying into effect the system of discipline required by the Act and the introductory rules, and which will probably be required whether the proposed union be effected or not.

Dunse Lock-up House.

Dunse Lock-up House.—The present lock-up house appears, from the reports referred to in the table, to be quite inadequate. The County Board report that a new small prison is required for Dunse, the present being totally insufficient; and that it is proposed to erect one of the size of No. 2 of the model plans. They also state, that it is in contemplation to purchase a piece of ground in a retired part of the town, which, it is thought, will be an eligible situation. Subsequent to the date of this Report, the County Board have agreed to recommend to the Commissioners of Supply to erect two additional rooms for the examination of witnesses, in connexion with the new lock-up house.

The Committee are of opinion that a new small prison is necessary at Dunse, and ought to be provided without delay. They doubt whether so small a prison as that of the model plan No. 2 will be sufficient, considering the population of this district, and that Dunse is the place of residence of the sheriff-substitute and most of the legal practitioners, and is at the distance of eight miles from Greenlaw. They see no objection to the Commissioners of Supply joining the County Board in the erection of a building which shall contain rooms for the examination of witnesses in connexion with the lock-up house. The Committee recommend that these views be communicated to the County Board, and that they be requested to report without delay as to the site, plan, and estimate of the proposed prison.

Ayton, Cockburns-

Ayton, Cockburnspath, Coldstream, and Earlston Lock-up Houses.—The County Board report that new lock-up houses will be required at all these places, with the exception of Coldstream, which is said to be sufficient, and requires only an addition to the wall surrounding the court, and a new gateway. The Committee recommend that the County Board be requested to report as to the sites, plans, and estimates of expense of the new lock-up houses at Ayton, Cockburnspath, and Earlston; and the plan and estimate of expense of the proposed alterations on the lock-up house at Coldstream.

path, Coldstream, and Earlston Lock-up Houses.

Lauder Burgh Prison.

Lauder Burgh Prison.—This is at present a legal prison for the reception of civil and criminal prisoners. The County Board propose that it shall no longer be a place for confinement of debtors, as it has been hitherto, but a mere lock-up house for short periods of imprisonment. The Committee approve of this proposal, and recommend that the County Board be requested to state from what period they wish the discontinuance of the prison at Lauder for civil prisoners should take place.

The County Board further state, that they have not determined whether to propose to alter the present prison in order to convert it into a proper lock-up house, or erect a new one. The Committee doubt very much the possibility of rendering the present prison suitable even as a lock-up house. They recommend that the County Board be requested to report their opinion as to this, with a plan of the proposed alterations, or explanations as to the site, plan, and estimate of a new lock-up house.

The Committee are of opinion that the prison at Greenlaw is the only one in the county that should be legalized for the reception of all descriptions of civil and criminal prisoners; and that the other prisons should only be used for criminal prisoners for short periods, to be afterwards determined.

The assessment authorized in Berwickshire for building, altering, and repairing local prisons amounts to 99*l.* 15*s.* 10*d.* The Committee recommend that the General Board should express their willingness to borrow such sums as may be required, on the security of this assessment, and of any addition that may be consented thereto by the local authorities.

3. SELKIRKSHIRE.

Selkirkshire.

Selkirk Burgh and County Prison.

Selkirk Burgh and County Prison.—The County Board report that the prison of Selkirk is to be all heated by a stove, and some small improvements and repairs made, the necessary steps for which have been taken. They also state that the prison has been reported as otherwise conformable to the statute. The Committee recommend that the General Board should approve of these proceedings of the County Board.

Thirlstane Lock-up House.

Thirlstane Lock-up House.—It is reported by the Inspector that there is a small lock-up house at Thirlstane. The County Board should be requested to report what they propose in regard to it.

Galashiels.

Galashiels.—There is no prison at this place at present. The County Board state, that a proposition has been made by them to the county of Roxburgh for the erection of a lock-up house at Galashiels, for the joint use of Selkirk and Roxburgh shires. The Committee refer to what they have said on this subject in reporting as to the Melrose district of Roxburghshire, and recommend that the County Board be requested to report what they propose with respect to the erection of a prison at Galashiels. It should be a prison for the reception of criminal prisoners for short periods only.

The annual assessment on the county of Selkirk for building, altering, and repairing local prisons is 29*l.* 19*s.* 7*d.* The Committee recommend that the General Board should express their willingness to borrow such sums as may be required, on the security of this assessment, and of any addition that may be consented thereto by the local authorities.

4. PEEBLES-SHIRE.

Peebles-shire.

Peebles Burgh Prison aided by the County.

Peebles Burgh Prison, aided by the County.—The County Board report, that the present prison will require some alteration to render it fit to be used under the new system; but being undetermined whether to unite with other counties or not, in consequence of the uncertainty as to the principles on which such union may be formed, they can return no distinct answer as to the nature or extent of such alterations. With reference to what has been said as to an union of the counties in this district, in reporting on the prisons of Jedburgh and Greenlaw, the Committee recommend that the Peebles-shire Prison Board be requested to report what alterations they propose on the present prison.

Skirling.

Skirling.—The Inspector reports that there is a small lock-up house at this place. The County Board should be requested to report with regard to it.

Linton.

Linton.—There is no prison here at present; but the sheriff suggests for consideration, whether there should be one or not; and the Inspector reports that a small prison is wanted. The Committee recommend that the County Board be requested to report their opinion on the subject.

The annual assessment authorized to be imposed by the General Board on Peeblesshire, for building, altering, and repairing local prisons, amounts to 35*l.* 9*s.* 2*d.* The Committee recommend that the General Board should express their willingness to borrow such sums as may be required, on security of this assessment, and of any addition that may be consented thereto by the local authorities.

Reported by
(Signed) MELVILLE, *Convener.*

Edinburgh, 124, *George-street,*
25*th November,* 1840.

Report by the Committee of the General Board of Directors of Prisons in Scotland, on the Table of Prisons in Scotland, and the Prisons and Prison Accommodation required in the County of Fife.

APPROVED BY THE GENERAL BOARD.

PERTH CIRCUIT.

Fifeshire.

3. Fife.

The General Board, at their meeting on 12th September last, granted a declaration and order discontinuing the prisons of St. Andrews, Craill, Kilrenny, Anstruther Easter, Anstruther Wester, Pittenweem, Earlsferry, Dysart, Kinghorn, Burntisland, Inverkeithing, Falkland, Auchtermuchty, Newburgh, and St. Monance, as prisons for certain classes of civil prisoners, from and after the 8th day of October then next, and declaring that the said prisons should, on and after the said date, be continued as prisons only for all descriptions of prisoners other than those therein described, under the condition that convicted prisoners imprisoned in any of them should not be detained therein for more than eight days; and it was therefore ordered that all convicted prisoners sentenced to imprisonment for more than eight days in any of the said prisons should, previous to the expiration of the said period, be removed, together with the warrants whereupon they were severally imprisoned, to such of the prisons of Cupar, Dunfermline, or Kirkaldy, as the County Prison Board might direct. This declaration and order was duly published, and is now in operation.

Cupar County and Burgh Prison.

Cupar County and Burgh Prison.—In the return to the Table of Prisons, the County Board suggested that a first class prison for 60 prisoners is requisite; that the present prison is insufficient, and incapable of being rendered so; and that it should be disposed of, and a new one erected on a different plan and site. When this return was before the Committee, at their meeting on 25th ultimo, some doubt was expressed as to the necessity of having so large a prison; and at the request of the sheriff of the county, who was present as a member of the Committee, the County Board were requested to reconsider the subject, and report as soon as possible, and until such report should be received the further consideration of the prisons and prison accommodation required in the county of Fife was delayed.

The Committee have now before them the minutes of the County Board, at their meeting on the 11th instant, with the documents therein referred to, and observe, that the County Board are now of opinion that the county prison should be to the extent of 50 cells, and not 60, as formerly suggested; care being taken that room be left to add to the number of cells when required. The Committee have also had under their consideration reasons of dissent by two members of the County Prison Board, from a resolution adopted by them, recommending Cupar, or its immediate neighbourhood, as the best site for a county prison, with answers for the Prison Board to these reasons of dissent.

Having deliberated on the various documents now before them with respect to the prisons and prison accommodation required in the county of Fife, the Committee are of opinion, and recommend, that the resolutions of the County Board, at their meeting on 11th instant, with respect to the situation and extent of the chief prison of the county, should be approved of by the General Board; and that the County Board be requested to report as to a site, plan, and estimate of expense as soon as possible.

The prison at Cupar ought to be adapted to the reception of all descriptions of civil and criminal prisoners.

The County Board further suggest, at their meeting on 11th instant, that some minor temporary alterations should be made upon the prison of Cupar, of which the Committee approve, and recommend that the General Board should authorize the County Board to execute them forthwith.

Dunfermline Burgh Prison.

Dunfermline Burgh Prison.—The County Board suggest that a new second class prison, containing 20 cells, is required at Dunfermline, which should be legalized for all descriptions of prisoners, and that, upon such new prison being provided, the present prison should be disposed of. The Committee recommend that these suggestions with respect to the prison of Dunfermline be approved of by the General Board.

At their meeting on 11th instant, the County Board further suggest, upon the recommendation of Mr. Hill, that a house adjoining to the present prison of Dunfermline should be taken on lease and fitted up as a temporary addition thereto, as nothing could be done to the present prison which would render it at all suitable as a permanent place of confinement, but that, with the proposed house, the introductory rules might, to a certain extent, be carried out, more particularly in regard to the separation of the sexes and the employment of the prisoners; the house to be taken at a rent not exceeding 17*l.* a-year, and until a new prison be built, provided this be done within five years. They also suggest that the furnishings provided should be such as not only to suit the temporary purpose, but also to be available to the new prison when erected. The Committee recommend that the General Board should approve of these suggestions, and authorize the County Board to carry them into effect forthwith.

Kirkaldy Burgh Prison.

Kirkaldy Burgh Prison.—The General Board, at their meeting on 30th ultimo, having considered the resolutions in the minutes of the County Board of 16th ultimo, that it is expedient to make some alterations on this prison, whereby it may be made fit for the accommodation of about 30 prisoners; and that it is desirable, until a new county prison be built, that room should be made in that prison for as many prisoners sentenced to confinement for periods of considerable duration as possible, and that the prison of Kirkaldy, as soon as these alterations are completed, should be discontinued as a prison for civil debtors, for whom ample accommodation can be found in the prisons of Cupar and Dunfermline; on the recommendation of this Committee approved of these resolutions, and authorized the proposed alterations to be made, as a temporary and provisional arrangement, and requested the County Board to state what prison accommodation they proposed to provide at Kirkaldy, when permanent prison accommodation should be provided for the county.

The County Board, at their meeting on the 11th instant, with reference to the foregoing request of the General Board, resolved to report it as their opinion that, when permanent prison accommodation shall be provided for the county, the present prison in Kirkaldy should be continued to the extent of not less than six cells. The Committee recommend that the General Board should approve of this resolution of the County Board.

St. Andrews Burgh Prison.

St. Andrews Burgh Prison.—The County Board suggest that the present prison should be discontinued, and disposed of; and in lieu thereof, that a lock-up house of four cells and keeper's apartments should be erected on a suitable site. They also suggest that the prison should be legalized for all descriptions of prisoners, except the five classes specified in the declaration and order of the General Board, dated 12th September last, but that convicted prisoners should not be detained therein for more than eight days. The Committee recommend that the General Board should approve of these suggestions made by the County Board.

Anstruther Easter, Anstruther Wester, Crail, Kilrenny, and Pittenweem Burgh Prisons.

Anstruther Easter, Anstruther Wester, Kilrenny, and Pittenweem Burgh Prisons.—The County Board suggest that a new lock-up house, to contain four cells and keeper's apartments, should be erected at Anstruther Easter, and that it should be legalized for the same descriptions of prisoners as suggested with respect to St. Andrews; and upon this being done, that the present prisons at these five burghs should be discontinued and disposed of. The Committee recommend that the General Board should approve of these suggestions made by the County Board.

Earlsferry Burgh Prison, St. Monance and Colinsburgh.

Earlsferry Burgh Prison, St. Monance and Colinsburgh.—The County Board suggest that the present prisons at Earlsferry and St. Monance should be discontinued, and disposed of so soon as a new lock-up house is erected in Colinsburgh; and the propose that at this latter place, where there is no prison at present, and which is a considerable village in the centre of a populous district, and the ordinary place of meeting of a bench of justices, as well as one of the sheriff's Circuit-Court stations, a lock-up house of two cells and keeper's apartments should be erected. The Committee recommend the approval of these suggestions by the General Board, and that the County Board be requested to report as to the site, plan, and estimate of expense of the new lock-up house at Colinsburgh.

West Wemyss Barony Prison.

West Wemyss Barony Prison.—The County Board suggest that this prison should be wholly discontinued and disposed of. The Committee recommend that this suggestion be approved of by the General Board, and that a declaration and order be granted for the discontinuance of this prison from such period as may be fixed by the County Board.

Dysart Burgh Prison, Pathhead, and St. Clairtown.

Dysart Burgh Prison, Pathhead, and St. Clairtown.—The County Board suggest that the present prisons at Dysart and Pathhead should be discontinued and disposed of, on an intended lock-up house being erected at St. Clairtown; and that at this latter place, where no prison exists at present, a lock-up house of three cells and keeper's apartments should be erected, on account of the extent of the population in the village and neighbourhood. The Committee recommend that these suggestions be approved of by the General Board, and that the County Board be requested to report as to the site, plan, and estimate of the new lock-up house at St. Clairtown.

Kinghorn and Inverkeithing Burgh Prisons.

Kinghorn and Inverkeithing Burgh Prisons.—The County Board suggest that these prisons should be continued as lock-up houses of two cells each, and that certain alterations are required to complete them. The Committee recommend that these suggestions be approved of, and that the County Board should be requested to report as to the description and expense of the proposed alterations, keeping in view the necessity of providing accommodation for the keepers.

Burntisland Burgh Prison.

Burntisland Burgh Prison.—The County Board suggest that this prison should be continued as a lock-up house, but that certain alterations are needed to give three cells and keeper's apartments. The Committee recommend that the General Board should approve of these suggestions, and request the County Board to report as to the description and expense of the proposed alterations.

Falkland Burgh Prison.

Falkland Burgh Prison.—The County Board recommend that this prison should be discontinued and disposed of, and that a lock-up house of two cells, with keeper's apartments, should be erected on a proper site and plan. The Committee recommend that the General Board should approve of these suggestions, and request the County Board to report as to the site, plan, and estimate of expense.

Auchtermuchty and Strathmiglo.

Auchtermuchty and Strathmiglo.—The County Board suggest that the prison at Auchtermuchty should be converted into a lock-up house of three cells and keeper's apartments, for which there is ample room; and that upon this being done, the present prison at Strathmiglo should be discontinued as unnecessary from its contiguity to Auchtermuchty, and be disposed of. The Committee recommend that these suggestions be approved of by the General Board, and that the County Board be requested to report as to the plan and estimate of the proposed alterations of the prison of Auchtermuchty.

Newburgh Burgh Prison.

Newburgh Burgh Prison.—The County Board suggest that this prison should be converted into a lock-up house of two cells and keeper's apartments. The Committee recommend that this suggestion be approved of by the General Board, and that the County Board be requested to report as to the description and expense of the proposed alterations.

Newport and Ferry-port-on-Craig.

Newport and Ferry-port-on-Craig.—The County Board suggest that new lock-up houses should be erected at each of these places, consisting of two cells and keeper's apartments, and that the present lock-up houses be disposed of. The Committee recommend that these suggestions be approved of by the General Board, and that the County Board be requested to report as to the sites, plans, and estimates of expense of the new lock-up houses.

Leslie, Leven, and Lochgelly.

Leslie, Leven, and Lochgelly.—The County Board suggest that new lock-up houses should be erected at these towns, at none of which prisons exist at present; that the lock-up house at Leven, which is a thriving town in the immediate neighbourhood of extensive manufactories, a ferry station, and one of the sheriff's circuit-court stations, should consist of three cells and keeper's apartments; and that at Leslie and Lochgelly the lock-up houses should consist of two cells and keeper's apartments. The Committee recommend that these suggestions be approved of by the General Board, and that the County Board be requested to report as to the sites, plans, and estimates of expense of the proposed lock-up houses.

The Committee recommend, that when permanent prison accommodation shall be provided for the county of Fife, the prisons of Cupar and Dunfermline should be the only prisons in the county legalized for the reception of all descriptions of civil and criminal prisoners; and that the other prisons in the county should be legalized for all descriptions of prisoners, excepting the classes of civil prisoners specified in the declaration and order of the General Board of 12th September last, but under this condition and declaration, that convicted prisoners imprisoned in such prisons shall not be detained therein for more than eight days,

The Committee observe, that the annual assessment, authorized by the 36th section of the Act to be imposed on the landward part of the county of Fife, and burghs situated therein, for the purpose of building, altering, and repairing local prisons, amounts only to 454*l.* 17*s.* 6*d.*, which would only enable the General Board to borrow for these purposes to the extent of about 3,600*l.* At the same time, the Committee observe, from a document prepared by the County Board, intituled, "Information respecting the present state of the Prisons in Fifeshire, and the sums required to furnish the necessary Prison Accommodation," that the County Board estimate that not less than about 13,000*l.* will be requisite. In these circumstances, the Committee recommend that the General Board should express their hope that the Commissioners of Supply of the county, and the magistrates of the several burghs therein authorized to appoint members to the County Board, at their several meetings to be held in April next for that purpose, will consent to add to the foresaid ordinary assessment for building, altering, and repairing prisons in the county, such further sum as may be necessary to provide sufficient prison accommodation. The Committee further recommend that the General Board should state their willingness to borrow such sums as may be requisite, on the security of the assessment already authorized to be imposed for the purpose of building, altering, and repairing local prisons in Fifeshire, and of any addition which may be consented to be made thereto, by the local authorities of the county.

Reported by

(Signed) MELVILLE, *Convener.*

Edinburgh, 124, *George-street,* 30*th December,* 1840.

TABLE showing the Number of Prisoners in each County in Scotland, according to Table appended to the Inspector of Prisons' Fifth Report; and also showing the Annual Assessment on each County for Building, Altering, and Repairing Local Prisons, authorized by 2 and 3 Vic. c. 42, sec. 36, according to the Estimate thereof made by the General Prisons' Board, in their First Report to the Secretary of State.

COUNTIES.	Greatest Number at any one time.		Average Number.		Annual Assessments.		
	Civil.	Criminal and Revenue.	Civil.	Criminal and Revenue.	£.	*s.*	*d.*
Aberdeen	17	142	8¼	106½	734	17	11
Argyle	9	42	1¼	16½	328	3	4
Ayr	4	65	2¼	40	434	5	10
Banff	2	26	¼	15¾	128	18	4
Berwick	2	23	¾	10¾	99	15	10
Bute	2	8	¼	5¾	47	18	4
Caithness	6	13	4	7¾	121	5	10
Clackmannan	..	..	..	..	95	16	3
Dumbarton	2	19	½	11¾	157	15	10
Dumfries	6	55	2¼	29	285	5	5
Edinburgh	23	497	13¾	318½	1,462	2	6
Elgin	3	19	¾	8¾	105	17	11
Fife	9	73	2¼	29¾	454	17	6
Forfar	22	217	10¾	141¼	707	13	9
Carried forward	107	1,199	47¼	742	54,164	14	7

Table showing the Number of Prisoners in each County in Scotland, &c.—*continued.*

COUNTIES.	Greatest Number at any one time.		Average Number.		Annual Assessments.		
	Civil.	Criminal and Revenue.	Civil.	Criminal and Revenue.	£.	s.	d.
Brought forward	107	1,199	47¼	742	5,164	14	7
Haddington	2	21	1	11¼	135	6	8
Inverness	4	26	1	11	313	7	1
Kincardine	1	10	¼	4	113	18	4
Kinross	1	6	¼	2¾	88	15	5
Kirkcudbright	2	38	¼	22¾	144	14	7
Lanark	36	605	22¾	463½	1,345	0	10
Linlithgow	5	15	1¼	6¼	113	17	11
Nairn	1	9	¼	3½	36	19	2
Orkney and Zetland	3	17	¼	7¼	164	16	8
Peebles	..	6	..	2¾	35	9	2
Perth	7	87	2	62½	630	6	3
Renfrew	16	188	8½	126	562	17	1
Ross and Cromarty	6	28	2¼	14¾	253	2	1
Roxburgh	2	46	..	27¼	320	14	2
Selkirk	2	4	¼	1	29	19	7
Stirling	5	65	3½	47¾	332	15	5
Sutherland	1	9	..	2¾	69	9	7
Wigtown	7	34	2	17½	143	15	5
Total	208	2,413	93	1,576½	10,000	0	0

NOTE.—Mr. Hill also estimates about 90 lock-up houses, including a few small burgh gaols . . } 30 prisoners.
And about 12 police prisons . . . . 180 „
210

No. VIII.

(No. 1.)

REPORT of the Committee appointed to obtain information relative to the proposed prison at Elgin, and the funds available for building the same; and to report their opinion thereon to the Board; and thereafter appointed to reconsider the subject; the Board being of opinion that the site proposed is sufficient, and unless the Committee see strong reasons to think otherwise, with power to authorize the County Board to proceed with the work.

Your Committee have made the necessary inquiries in regard to all matters connected with the proposed prison which is intended to form the only county gaol. Any other places of confinement in the county of Moray are to be limited to such lock-up houses, or prisons of the smallest description.

In contemplating a prison of this description, three things present themselves for consideration:—

1st. The size and construction of the prison.
2nd. Its site.
3rd. The funds destined for its erection.

1. With respect to the *first* of these, the County Board have requested authority to erect a prison of the size and construction of the model plan, No. 6. This plan contains two apartments for debtors, one large cell for vagrants, and twelve smaller ones for criminal offenders; besides the keeper's house, and other accommodations. Such a prison appears sufficient for the wants of the county of Moray, judging from the number of prisoners in use to be there accommodated.

The *greatest* number of prisoners at any one time in confinement at Elgin was,

In 1838 — 13. Of these 3 debtors.
1839 — 12. No debtors.
(9th May) 1840 — 9. No debtors.

The *average* number of prisoners must be materially less than this, and when that average shall be further diminished by the removal of those suffering long imprisonments to the prison at Perth, there can be no doubt but that a prison containing 15 separate apartments as proposed, must be sufficient in size for the purposes of this county for many years to come.

Further, the construction of this prison, being nearly conform to the model plan, No. 6, admits of enlargement almost to an unlimited extent, by merely prolonging the corridor and adjoining cells.

In addition to this prison it is proposed to erect a lock-up house at Forres, which seems sufficient for the purposes of that burgh, where it appears that the greatest number of prisoners in the year 1838 only amounted to *three*, and the longest period of imprisonment of any of these three did not exceed 38 days. In 1839 there were only two prisoners, and this only during one day.

2. The proposed *site* of the Elgin prison is a piece of ground situated in the burgh of Elgin, immediately behind the court-house and public offices. It is 238 feet in length, but only 67 feet in breadth at its southern extremity, and narrowing gradually to 63 at the distance of 188 feet back. The width of the model prison is 48 feet. Hence, if such a building were to be placed in the centre of the area, there would only be an interval of 9½ feet from the end of it to the boundary wall, a space obviously too narrow to admit of a proper ventilation to the prison. As, however, the site is particularly convenient, as regards the proximity to the court house, and as there may be difficulties in adding to its size, or in obtaining another site, a good deal of consideration has been bestowed in endeavouring to alter the arrangements of the building, so as to make the area suit every useful purpose. A plan has in consequence been prepared, which without making any alteration in the extent of the accommodation, arranges it in such a manner as not materially to be prejudiced by the narrowness of the area. By this plan, the building instead of being placed in the centre of the area, is moved to within four feet of the one side of the ground, and instead of the projection behind containing a corridor and *two* rows of cells, it is confined to a corridor and *one* row of cells, thereby leaving a space of about 25 feet from the windows of the cells to the boundary wall.

Your Committee are of opinion, that if the Elgin prison shall be constructed in conformity to this plan, it will not be liable to any well grounded objection, and that it will fully answer the purposes for which it is intended. In taking this view of the subject your Committee have been greatly influenced by a letter from Mr. Hill, Inspector of prisons, herewith submitted, from which it appears, that in his opinion the proposed arrangement ought to be adopted.

In these circumstances your Committee, in pursuance of the power delegated to them, have given authority to the County Board to proceed with the erection of the prison, provided the same is executed in conformity to said plan.

3. With respect to the *funds* destined for the erection of the prison, it does not occur that the General Board are called upon at present to deal with the subject, seeing that the County Board expresses no doubt as to the funds being forthcoming, by the parties locally interested.

For the information of the Board, it may however be noticed, that a private Act of Parliament was obtained in the year 1832 for erecting a court house and gaol at Elgin. By this Act the following assessments were authorized :—

	£.	s.	d.
On the county of Moray . . .	4514	0	0
On the city of Elgin	754	14	0
On the town of Forres	460	0	0
In all . .	£5728	14	0

Besides this, an additional assessment of one per cent., or 1202*l.* 7*s.* 1½*d.*, was sanctioned if found necessary.

The whole of the first mentioned sums were long ago assessed and levied, and have been almost all expended in building the court house. After deducting subsisting debts, the residue only amounts to 285*l.* 8*s.* 11½*d.*, of which 191*l.* 18*s.* consists of arrears of assessment, all of which may not be recovered.

The additional assessment of one per cent. was only imposed in May last, and has not yet been collected.

The corporation of the burgh of Elgin is bound by the Act to relieve the above funds of the expense of the site of the gaol, but this obligation is limited to a sum not exceeding 300*l.* The claim made on this account seems to have been confined to 50*l.*, which is included in the residue of 285*l.* 8*s.* 11½*d.*

Power is given to take certain lands and subjects for a site for the gaol, as set forth in the schedule in the Act. These are all embraced in the area already acquired. But all other lands necessary for the purposes of the Act may be taken with consent of the owner, and a general power to obtain necessary sites, without limitation as to situation, is given by the Act.

It thus appears that the funds applicable to the erection of this prison consist of the additional assessment above referred to,

	£.	s.	d.
Amounting to	202	7	1½
And the residue of the assesment already levied, being . .	285	8	11½
Making together . . .	£1487	16	1

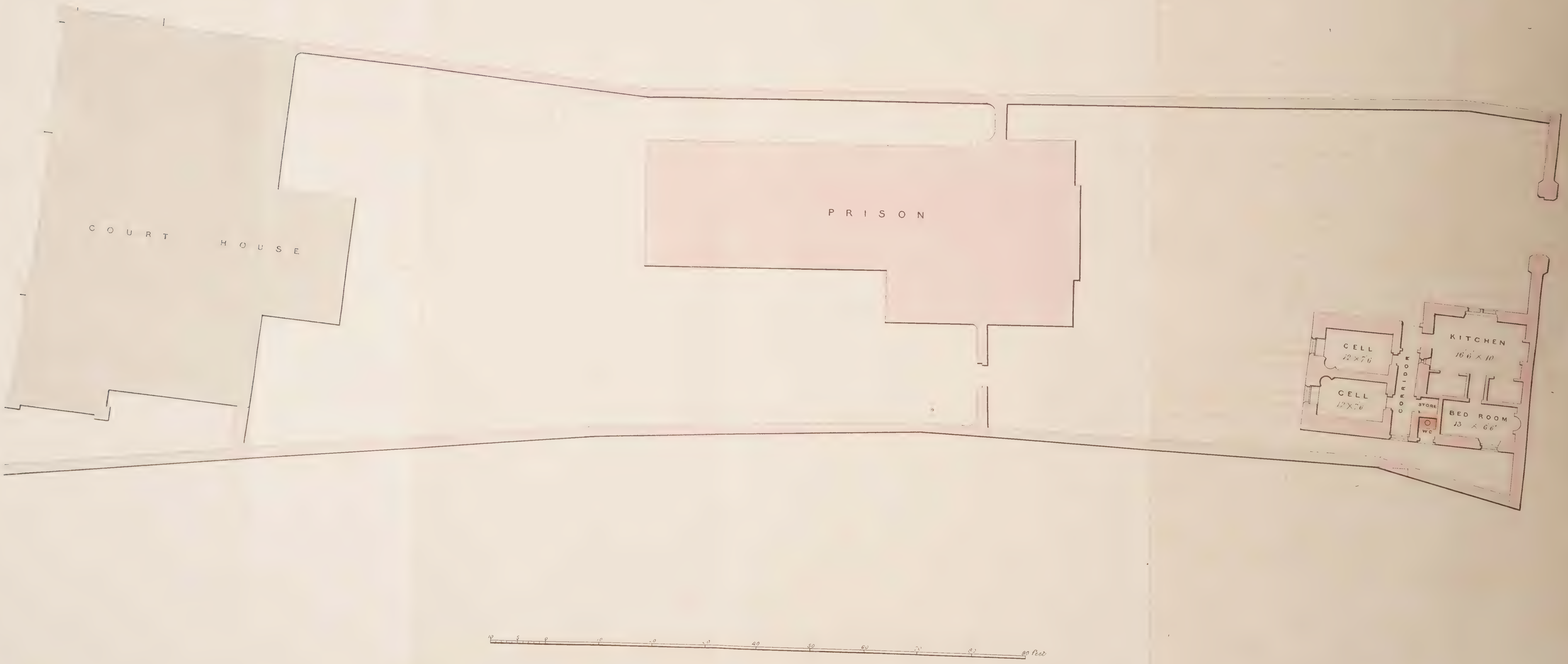
Which sum your Committee are given to believe will be adequate to the erection of a gaol on the plan which has been sanctioned.

is reported by

(Signed) Wm. Rae, Convener.

Appendix. N.º VIII. (N.º 2.)

ELGIN PRISON.

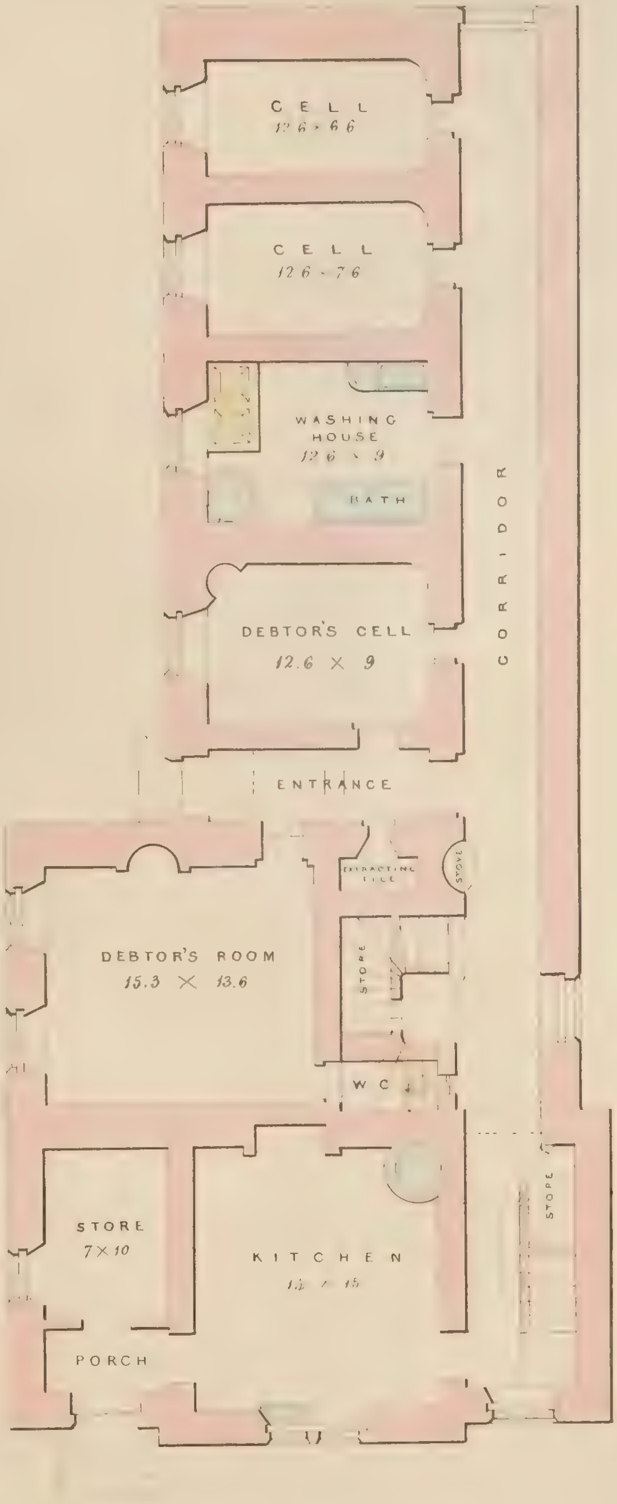

COURT HOUSE
PRISON
CELL
12 × 7′6
CELL
12 × 7′6
CORRIDOR
KITCHEN
16′6′ × 10
STORE
WC
BED ROOM
13 × 6′6″
10 5 0 10 20 30 40 50 60 70 80 90 Feet

Thomas Brown,
3. North Charlotte St. Edinburgh

Standidge & Co. lith.

Appendix. No. VIII.—(No. 3.)

ELGIN PRISON.


CELL
12.6 × 6.6
CELL
12.6 × 7.6
WASHING HOUSE
12.6 × 9
BATH
DEBTOR'S CELL
12.6 × 9
CORRIDOR
ENTRANCE
EXTRACTING FLUE
STOVE
DEBTOR'S ROOM
15.3 × 13.6
STORE
W C
STORE
7 × 10
KITCHEN
15 × 15
STORE
PORCH

GROUND FLOOR

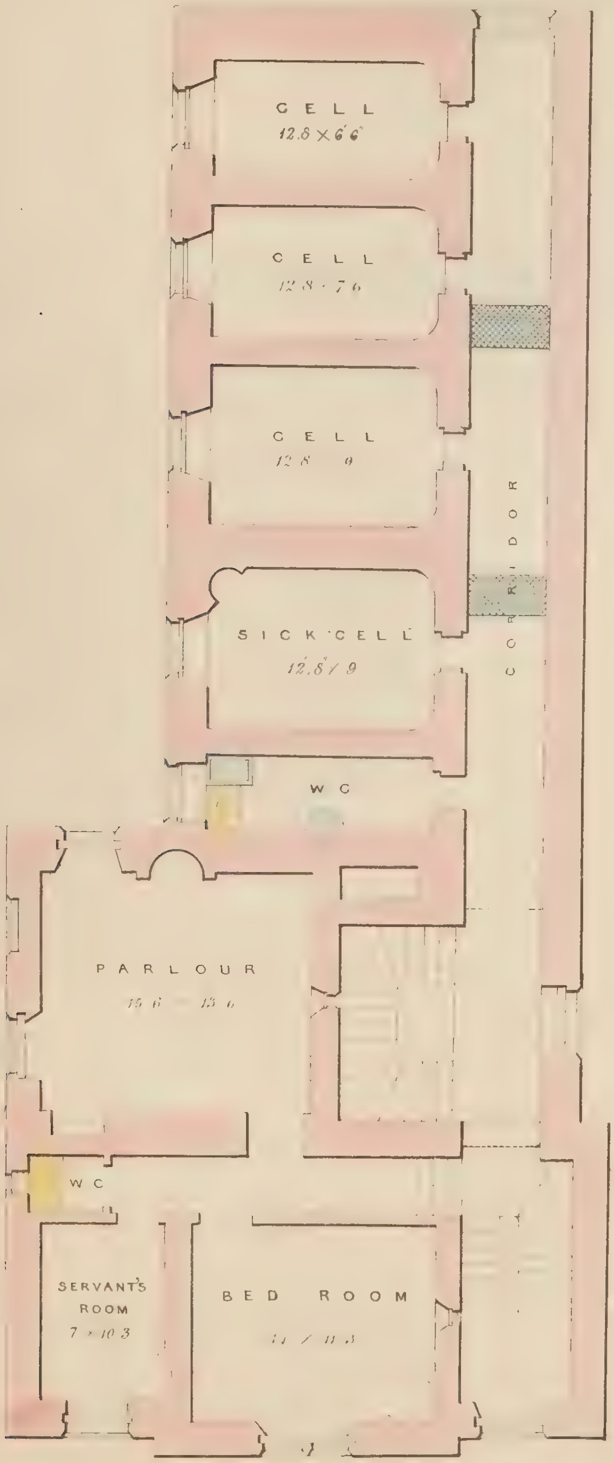
Thomas Brown,
3, North Charlotte St Edinburgh

0
5
10
20
30
40 feet

Standidge & Co. Litho.

Appendix, No. VIII.—(No 4.)

ELGIN PRISON.


CELL
12.8 × 6'6"
CELL
12'8 · 7'6
CELL
12'8 · 9
CORRIDOR
SICK CELL
12.8 / 9
W C
PARLOUR
15'6 · 15'6
W C
SERVANT'S ROOM
7 · 10 3
BED ROOM
11 / 11 3

SECOND FLOOR

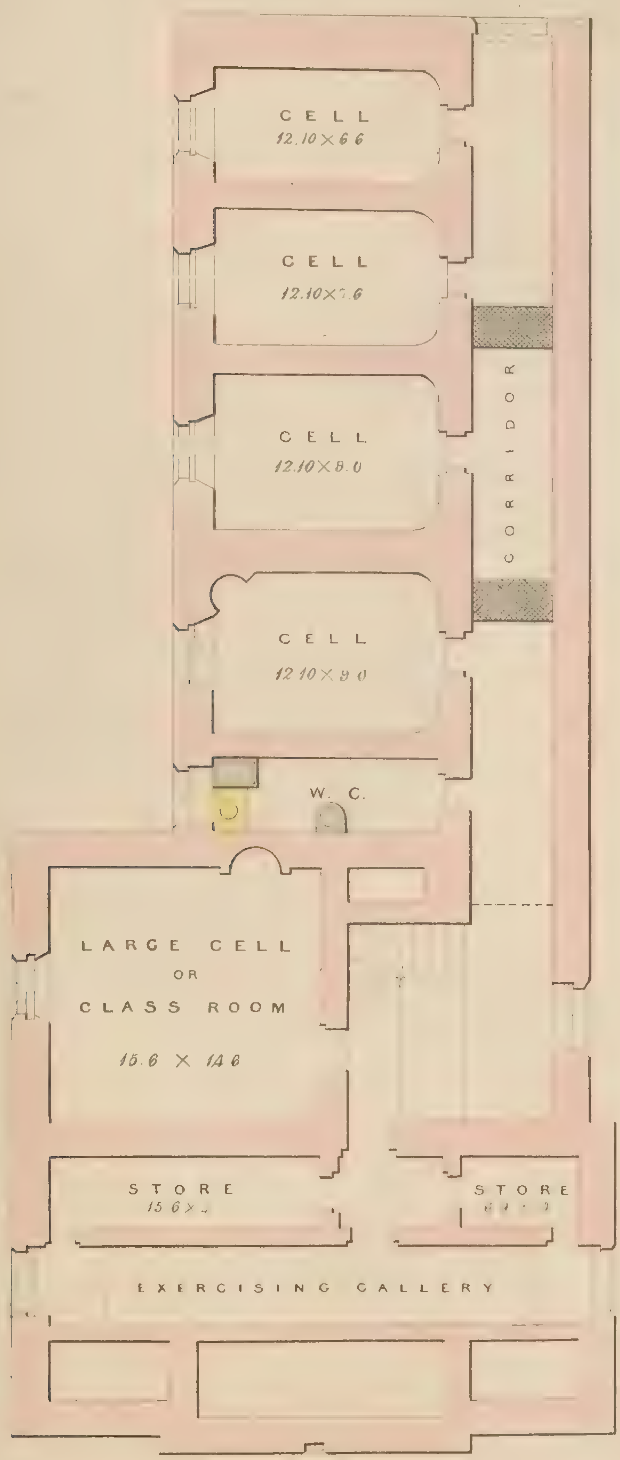
Thomas Brown,
3, North Charlotte St Edinburgh

10
10
20
30
40 feet

Standidge & Co litho

Appendix, No. VIII.—(No. 5.)

ELGIN PRISON.


CELL
12.10 × 6.6
CELL
12.10 × 6.6
CELL
12.10 × 8.0
CELL
12.10 × 9.0
CORRIDOR
W. C.
LARGE CELL
OR
CLASS ROOM
15.6 × 14.6
STORE
15 6 ×
STORE
EXERCISING GALLERY

THIRD FLOOR

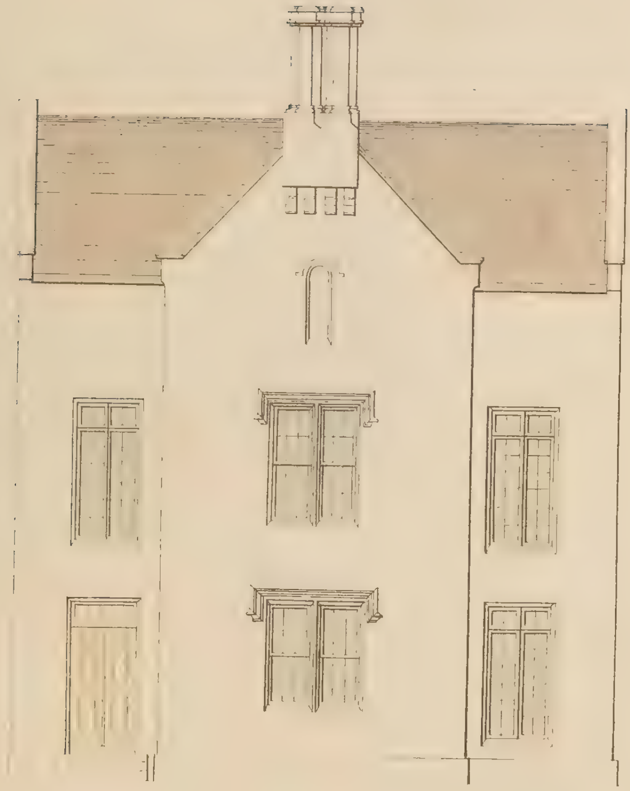
Thomas Brown
3, North Charlotte St. Edinburgh

10 feet

Standidge & Co. lith.

Appendix, No. VIII.–(No. 6.)

ELGIN PRISON.



FRONT ELEVATION.

10
5
0
10
20
30
40 ft

Thomas Brown,
3, North Charlotte St., Edinburgh

Standidge & Co litho.

APPENDIX No. IX.

E of Declarations and Orders made by the General Board of Directors of Prisons in Scotland during the Year 1840, in pursuance of the 22d Section of the Prisons' Act.

nties.	Names of Prisons Discontinued, United, or Legalized.	Dates of Declarations.	Dates of Publication in Edinburgh Gazette.	Extent and Effect of Declarations.	Dates on and after which Declarations take effect.
1.	2.	3.	4.	5.	6.
nfries	Annan, Lochmaben, and Sanquhar.	1840.—July 7	1840.—July 10	Discontinued as prisons for civil prisoners, including all persons imprisoned for civil debt, or *ad factum præstandum*, or generally at the instance of a creditor for performance of civil obligation; and continued as prisons only for criminal prisoners, including all other descriptions of prisoners than those before described.	1840.—August 1
cudbright	New Galloway	,,	,,	The same	,,
town	Whithorn	,,	,,	The same	,,
burgh	Calton gaol and bridewell	July 10	,,	United into one prison, to be called the prison of Edinburgh, and declared to be a lawful prison for every description of civil and criminal prisoners.	,,
,	Canongate gaol	,,	,,	Discontinued as a prison, and authorized to be sold and disposed of as to the County Board might seem proper.	,,
deen	Bridewell gaol and old gaol, or tolbooth of Aberdeen.	Sept. 9	Sept. 11	United into one prison under one general establishment of officers, and declared to be a legal prison for the reception of every description of prisoners, under the denomination of the prison of Aberdeen.	October 1
ark	Building recently erected as the north-east radiating wing of the bridewell for the county of Lanark and city of Glasgow.	Sept. 12	Sept. 15	Declared to be a prison for all descriptions of prisoners committed or sentenced to imprisonment in the said bridewell, and to be deemed and taken to be part of the said bridewell.	,,
h	Culross	,,	,,	Discontinued as prisons for the following descriptions of prisoners, viz., 1st. Prisoners for civil debts due to subjects; 2d. Prisoners for debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences; 3d. Prisoners on *meditatione fugæ* warrants granted at the instance of creditors for performance of civil obligation; 4th. Prisoners *ad factum præstandum*; and 5th. Prisoners until they return to service; and continued as prisons only for all descriptions of prisoners other than those before described.	,,
nburgh	Musselburgh and Dalkeith.	,,	,,	Discontinued as prisons for the five descriptions of prisoners as enumerated in the declaration relative to the prison of Culross in Perthshire, and continued as prisons only for all descriptions of prisoners other than the said five descriptions, under the condition and declaration that convicted prisoners imprisoned in the said prison of Musselburgh should not be detained therein for more than thirty days, and that convicted prisoners imprisoned in the said prison of Dalkeith should not be detained therein for more than eight days; and that such convicted prisoners, sentenced to imprisonment for more than thirty days in the said prison of Musselburgh, or for more than eight days in the said prison of Dalkeith, should, previous to the expiration of the said periods respectively, be removed by the County Prison Board to the prison of Edinburgh.	,,
e	St. Andrews, Craill, Kilrenny, Anstruther Easter, Anstruther Wester, Pittenweem, Earlsferry, Dysart, Kinghorn, Burntisland, Inverkeithing, Falkland, Auchtermuchty, Newburgh, and St. Monance.	,,	,,	Discontinued as prisons for the five descriptions of prisoners, as enumerated in the declaration relative to the prison of Culross in Perthshire; and continued as prisons only for all descriptions of prisoners other than the said five descriptions, under the condition and declaration that convicted prisoners imprisoned in any of the said prisons shall not be detained therein for more than eight days; and that such convicted prisoners, sentenced to imprisonment for more than eight days in any of the said prisons, should previous to the expiration of the said period be removed by the County Prison Board to such of the prisons of Cupar, Dunfermline, or Kirkaldy, in the county of Fife, as the said Prison Board might direct.	October 8

Table of Declarations and Orders, &c.—*continued.*

Counties.	Names of Prisons Discontinued, United, or Legalized.	Dates of Declarations.	Dates of Publication in Edinburgh Gazette.	Extent and Effect of Declarations.	Dates o after v Declara take e
1.	2.	3.	4.	5.	6.
10. Ayr. . .	Irvine	1840.—Sept. 24	1840.—Sept. 25	Discontinued as a prison for the following descriptions of prisoners, viz., 1st. Prisoners for civil debts due to subjects; 2d. Prisoners for debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences; 3d. Prisoners on *meditatione fugæ* warrants, granted at the instance of creditors for performance of civil obligation; 4th. Prisoners *ad factum præstandum;* and 5th. Prisoners until they find caution to return to service; and continued as a prison only for all descriptions of prisoners other than those before described.	1840.—N
11. Lanark. .	Rutherglen	October 9	October 13	The same	,,
12. Haddington	Dunbar and North Berwick.	,,	,,	The same	,,
13. Renfrew .	Port Glasgow and Renfrew.	,,	,,	The same	,,
,,	Gaol and bridewell of Paisley, with the courts and airing-yards thereto belonging.	,,	,,	United into one prison under one general establishment of officers, and declared to be a legal prison for the reception of every description of prisoners under the denomination of the prison of Paisley.	,,
14. Lanark. .	Burgh prison of Glasgow, and bridewell for the county of Lanark and city of Glasgow.	Dec. 19	Dec. 22	United into one prison under one general establishment, and declared that the said burgh prison should be deemed and taken to be part of the said bridewell, and that the said bridewell should be deemed and taken to be part of the said burgh prison; and that the said burgh prison and bridewell so united should be a legal prison for the reception of every description of prisoners, under the denomination of the prison of Glasgow.	1841.—J
15. Renfrew .	Greenock	,,	,,	Discontinued as a prison for the following descriptions of prisoners, viz., 1st. Prisoners for civil debts due to subjects; 2d. Prisoners for debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences; 3d. Prisoners on *meditatione fugæ* warrants, granted at the instance of creditors for performance of civil obligation; 4th. Prisoners *ad factum præstandum*; 5th. Prisoners until they find caution to return to service; and 6th. Prisoners until they find caution under writs of lawburrows; and continued as a prison only for all descriptions of prisoners other than those before described.	Ja

APPENDIX No. X.—(No. 1.)

ACT of RETURNS of PRISONERS in the Counties of SCOTLAND, on the 1st day of October, 1840, at Noon, made up from Returns by the several County Prison Boards to the General Board of Directors of Prisons, Edinburgh.

Directions given to County Boards.—Prisoners are to be returned as either CIVIL or CRIMINAL in their order.—1st. The following *five* iptions of Prisoners are to be considered and returned as *Civil Prisoners*, viz. 1st, Prisoners for Civil Debts due to subjects; 2d, Prisoners ebts or Taxes due to the Crown, not being fines or penalties inflicted on Conviction of offences; 3d, Prisoners on *meditatione fugæ* war-, granted at the instance of Creditors for performance of Civil obligation; 4th, Prisoners *ad factum præstandum*; and, 5th, Prisoners they find caution to return to service; and if any Prisoners are considered to be Civil, and returned as such, who are not comprehended n the foregoing five descriptions, it is requested that a short explanatory note may be added in regard to them.—2nd, All other descriptions isoners are next to be returned as *Criminal Prisoners*, in their order as Untried, Convicted, and Insane.

TIES.	Names of Prisons in which Prisoners are confined at date of Returns.	Number of Prisoners.	CLASS I.—CIVIL PRISONES. No. 1. Civil Debts and Amount thereof. Sex.		Amount of Debt.	£8. 6s. 8d. and under.	From £8. 6s. 8d. to £20.	From £20 to £50.	From £50 to £100.	From £100 to £500.	From £500 to £1,000.	From 1,000 upwards.	No. 2. Other Civil Prisoners. Number.	
			M.	F.	£. s. d.								M.	F.
een .	Aberdeen . . .	147	8	..	331 11 11	..	1	5	2	..	..	..	1	..
l. .	Inverary and Campbelltown.	21	..	..	. .	..	..	..	..	..	..	..	..	..
. .	Ayr and Irvine . .	40	6	..	88 1 2	1	3	2	..	..	..	..	2	..
. .	Banff.	9	..	..	. .	..	..	..	..	..	..	..	..	..
ck .	Greenlaw. . . .	11	1	1	238 0 4½	..	1	..	..	1	..	..	..	..
. .	Rothesay. . . .	2	..	..	. .	..	..	..	..	..	..	..	..	..
ness .	Wick.	6	..	..	. .	..	..	..	..	..	..	..	..	..
man-	Stirling	10	..	..	. .	..	..	..	..	..	..	..	..	..
arton	Dumbarton . . .	16	1	..	26 2 9½	..	..	1	..	..	..	..	..	..
ries .	Dumfries. . . .	34	3	..	220 6 6	..	1	..	1	1	..	..	2	..
urgh	Edinburgh Prison, Lock-up House, Police Prison, and Leith Police Prison	489	3	1	2,321 17 2	..	1	1	1	..	..	1	4	..
. .	Elgin and Forres .	8	..	..	. .	..	..	..	..	..	..	..	..	..
. .	Cupar Dunfermline. Kirkaldy, Inverkeithing, St. Andrews, Kinghorn.	42	2	..	88 5 4	..	1	..	1	..	..	..	5	..
. .	Dundee, Forfar, Brechin, Montrose, and Arbroath.	153	6	..	1,184 5 6	..	1	4	..	..	..	1	..	..
ington	Haddington . . .	16	3	..	47 6 7	1	..	2	..	..	..	..	..	..
ness .	Inverness. . . .	24	..	..	. .	..	..	..	..	..	..	..	1	..
rdine	Stonehaven . . .	6	..	..	. .	..	..	..	..	..	..	..	..	..
ss .	Kinross	..	..	..	. .	..	..	..	..	..	..	..	..	..
ud- it.	Kirkcudbright and Maxweltown.	14	1	..	26 0 0	..	..	1	..	..	..	..	..	..
k .	Glasgow Gaol and Bridewell, Calton, Gorbals, and Anderston, Glasgow Police Office, Hamilton, Aiidrie, and Lanark.	570	20	..	877 3 3	1	9	5	2	3	..	..	2	..
hgow	Linlithgow . . .	12	1	..	69 17 1½	..	..	..	1	..	..	..	..	..
. .	Nairn	4	1	..	14 0 0	..	1	..	..	..	..	..	..	..
y and nd.	Kirkwall and Fort Charlotte.	7	..	..	. .	..	..	..	..	..	..	..	..	..
es .	Peebles	4	..	..	. .	..	..	..	..	..	..	..	..	..
. .	Perth, Blairgowrie, and Dunblane, and Fife, and Forfarshire.	113	2	..	194 0 3	..	..	..	1	1	..	..	1	..
ew .	Paisley, Greenock, and P.-Glasgow .	166	8	1	265 14 9	2	3	3	1	..	..	..	1	7
and narty.	Dingwall, Tain, and Stornoway.	13	..	..	. .	..	..	..	..	..	..	..	..	..
urgh .	Jedburgh . . .	24	..	..	. .	..	..	..	..	..	..	..	..	..
k .	Selkirk	1	..	..	. .	..	..	..	..	..	..	..	..	..
ng .	Stirling and Falkirk.	62	3	..	138 7 5	..	1	1	..	1	..	..	..	..
rland	Dornock	3	2	..	6,400 12 0	..	..	..	..	..	..	2	..	..
own .	Wigtown and Stranraer.	14	2	..	110 10 0	..	..	..	2	..	..	..	..	..
		2,041	73	3	12,642 2 1½	5	23	25	12	7	..	4	19	7
			76										26	
			102											

Abstract of Returns of Prisoners in the Cour

Counties.	Names of Prisons in which Prisoners are confined at date of Returns.	CLASS II.—CRIMINAL PRISONERS.										Classification of Age and Sex of C										
		No. 1.		No. 2.		No. 3. Insane or Lunatic Criminal Prisoners.																
		Untried Criminal Prisoners.		Convicted Criminal Prisoners.		Untried Criminal Prisoners. Included in No. 1.		On Trial found to be Insane or Lunatic and Confined in Prison.		Confined under Criminal Warrant in Lunatic Asylums, or elsewhere.		Age.	Aged 12 years and under.		Aged 16 years and above 12.		Aged 21 years and above 16.		Aged 30 years and above 21.		Aged 40 years and above 30.	
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F		M.	F.	M.	F.	M	F.	M.	F.	M.	F.
Aberdeen .	Aberdeen . . .	8	6	80	44	1	..	..	..	..	..	..	8	..	23	1	15	11	19	14	12	11
Argyll . .	Inverary and Campbelltown.	1	1	15	3	..	..	1	..	..	..	..	..	..	3	1	5	..	6	..	1	2
Ayr . .	Ayr and Irvine . .	3	..	23	5	..	..	1	..	..	..	..	..	..	1	..	6	2	9	2	6	1
Banff . .	Banff.	3	..	6	..	..	..	..	..	1	..	..	..	..	1	..	2	..	2	..	1	..
Berwick .	Greenlaw. . . .	2	..	5	2	..	..	..	..	..	..	..	..	..	2	..	1	..	1	1	2	1
Bute . .	Rothesay. . . .	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Caithness .	Wick.	..	..	6	..	..	..	..	..	..	..	..	..	..	..	..	2	..	1	..	1	..
Clackmannan.	Stirling	1	..	7	2	..	..	..	..	..	..	..	..	..	1	..	..	..	2	1	1	1
Dumbarton	Dumbarton . . .	7	2	3	3	..	..	..	..	..	..	..	..	..	1	2	2	..	4	2	2	1
Dumfries .	Dumfries. . . .	4	1	19	5	..	..	..	..	..	..	..	1	..	2	..	7	1	4	4	5	..
Edinburgh.	Edinburgh Prison, Lock-up House, Police Prison, and Leith Police Prison	84	57	182	157	..	..	1	..	..	1	..	25	1	72	20	52	45	59	79	34	48
Elgin . .	Elgin and Forres .	..	..	5	3	..	..	..	..	1	..	..	..	..	1	..	2	2	1	..	..	1
Fife . .	Cupar, Dunfermline, Kirkaldy, Inverkeithing, St. Andrews, Kinghorn.	1	3	25	6	..	..	..	..	..	..	..	..	..	7	..	8	1	5	4	2	2
Forfar . .	Dundee, Forfar, Brechin, Montrose, and Arbroath.	22	10	78	37	..	..	..	..	..	..	..	13	2	13	5	19	5	15	10	7	10
Haddington	Haddington . . .	3	3	7	..	..	..	..	..	..	..	..	..	1	..	1	1	5	1	3	1	..
Inverness .	Inverness . . .	4	..	14	5	1	..	..	..	..	..	..	..	..	1	1	3	..	7	2	2	1
Kincardine	Stonehaven . . .	1	..	2	3	..	..	..	..	..	..	..	..	..	..	..	2	1	..	..	1	1
Kinross .	Kinross	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kirkcudbright.	Kirkcudbright and Maxweltown.	4	..	7	2	..	..	..	..	..	..	..	1	..	3	..	3	..	3	1	1	..
Lanark .	Glasgow Gaol and Bridewell, Calton, Gorbals, and Anderston, Glasgow Police Office, Hamilton, Airdrie, and Lanark.	59	31	278	170	..	..	1	..	..	..	..	15	4	67	22	106	66	70	67	47	35
Linlithgow	Linlithgow . . .	7	1	2	1	..	..	..	..	..	..	..	..	..	3	..	2	1	2	..	2	1
Nairn . .	Nairn	..	2	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..
Orkney and Zetland.	Kirkwall and Fort Charlotte.	1	..	4	2	..	..	..	..	..	1	..	..	..	1	..	1	..	1	..	2	1
Peebles .	Peebles	2	..	2	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	1	..
Perth . .	Perth, Blairgowrie, and Dunblane, and Fife, and Forfarshire.	27	7	47	28	..	..	..	1	..	..	..	2	..	4	3	21	8	24	10	14	7
Renfrew .	Paisley, Greenock, and P.-Glasgow .	24	9	76	38	..	..	1	1	..	..	..	2	2	12	6	28	4	33	17	18	6
Ross and Cromarty.	Dingwall, Tain, and Stornoway.	1	..	11	1	..	..	..	..	..	..	..	..	..	1	..	1	..	2	..	5	..
Roxburgh .	Jedburgh . . .	7	2	10	5	..	..	..	..	..	..	..	..	..	..	1	7	3	4	..	4	1
Selkirk. .	Selkirk	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..
Stirling .	Stirling and Falkirk.	20	6	22	11	..	..	..	..	..	..	..	..	..	3	1	15	6	13	3	6	4
Sutherland	Dornock	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..
Wigtown .	Wigtown and Stranraer.	2	..	8	2	..	..	..	..	..	..	..	..	..	..	..	5	..	3	..	1	2
		298	141	947	536	2	..	5	2	2	2	..	67	10	222	64	318	163	291	220	179	137

439 1,483 7

1,490

NOTES—The Return of Prisoners by the Prison Board of Stirlingshire, includes the prisoaers from the county of Clackmannan, but in this Abstract the prisoners of each county are stated separately.

The Return of Prisoners by the Prison Board of Perthshire, includes from the county of Forfar 20 untried, prisoners and 13 convicted prisoners; and from the county of Fife, 1 untried prisoner and 2 convicted prisoners.

Of the seven prisoners found on trial to be insane or lunatic, there have been removed to the Royal Lunatic Asylum, Dundee, since the date of the Returns, one from Argyllshire, one from Edinburghshire, one from Lanarkshire, and one from Perthshire; and Warrants are in course of being obtained for the removal of one from Ayrshire to the said asylum, and one from Renfrewshire to the Lunatic Asylum of Paisley. The remaining female prisoner in Renfrewshire is stated to have been liberated, and boarded in a house in the country at her own expense, in virtue of a Warrant from the Lords of Justiciary, obtained upon the application of her legal guardian.

land, on the 1st day of October, 1840, &c.—*continued.*

ners.			When Sentence is Imprisonment, Periods for which Sentenced.														Transportation.						CLASS III.		
	Aged above 60 years.		30 days and under.		60 days and above 30 days.		Above 60 days and under 6 months.		6 months and under 1 year.		1 year and under 2 years.		2 years and under 3 years.		3 years and upwards.		Life.	14 years.	10 years.	7 years.	5 years.	Death.	Inmates admitted on their own application.		Counties.
F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.							M.	F.	
3	3	4	19	9	19	12	5	1	6	9	14	6	5	1	..	..	..	1	..	17	..	..	..	..	Aberdeen.
..	..	..	2	..	6	3	1	..	1	..	1	..	..	..	..	..	..	1	..	2	..	..	..	..	Argyle.
..	1	..	1	..	3	1	5	1	5	3	2	..	..	..	..	..	..	2	..	4	..	..	..	..	Ayr.
..	1	..	..	..	..	..	..	..	3	..	2	..	..	..	..	..	..	..	..	1	..	..	..	..	Banff.
..	..	..	1	..	..	1	2	1	..	..	1	..	..	..	..	..	..	..	..	1	..	..	..	..	Berwick.
..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Bute.
..	1	..	..	..	3	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Caithness.
..	..	..	..	..	..	..	2	..	2	..	1	3	..	..	..	..	..	..	..	1	..	..	..	..	Clackmannan.
..	1	..	2	1	..	1	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Dumbarton.
..	1	..	2	1	1	1	1	1	5	2	5	..	1	..	..	..	..	..	1	3	..	..	..	..	Dumfries.
4	4	1	53	73	33	34	20	6	29	18	42	21	3	..	1	1	..	2	1	2	..	..	..	..	Edinburgh.
..	..	..	2	1	..	..	..	..	2	..	1	..	..	..	..	..	..	..	..	2	..	..	..	..	Elgin.
..	3	..	6	4	3	..	7	1	7	1	2	..	..	..	..	..	..	..	..	..	..	..	..	..	Fife.
2	1	..	18	10	12	3	11	2	23	13	14	9	..	..	..	..	..	..	..	..	..	..	..	..	Forfar.
..	..	..	6	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Haddington.
1	..	..	..	..	..	1	2	..	5	..	1	4	2	..	..	..	..	..	1	..	..	..	..	..	Inverness.
..	..	..	1	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	1	1	..	..	..	..	Kincardine.
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Kinross.
1	..	..	5	..	..	..	..	..	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Kirkcudbright.
6	4	2	38	42	104	64	21	9	38	11	54	27	1	3	1	1	..	1	1	32	..	..	..	9	Lanark.
..	..	..	..	..	..	..	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Linlithgow.
..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	Nairn.
..	..	..	..	..	..	..	..	..	3	1	..	1	1	..	..	..	..	..	..	..	..	..	..	..	Orkney and Zetland.
..	..	..	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Peebles.
2	1	2	9	9	10	6	3	1	5	5	12	3	2	1	..	..	..	..	1	8	..	..	..	..	Perth.
4	..	1	12	15	10	5	16	5	10	..	8	6	..	1	..	..	..	3	..	16	..	..	..	..	Renfrew.
..	..	..	3	..	..	1	..	..	2	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	Ross and Cromarty.
1	..	1	..	2	1	..	5	..	2	1	1	1	..	..	..	..	..	..	..	2	..	..	..	..	Roxburgh.
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	Selkirk.
1	..	..	2	2	2	1	3	2	3	..	7	3	..	..	..	..	..	..	3	5	..	..	..	..	Stirling.
..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Sutherland.
..	..	..	1	..	..	..	1	1	1	..	2	1	..	..	..	..	..	..	..	3	..	..	..	..	Wigtown.
25	21	11	185	169	209	136	107	32	160	67	170	86	15	6	2	2	..	10	9	102	..	..	..	9	
			1,346															121							

ABSTRACT of Sentences of Imprisonment for periods of Six Months and upwards.

	M.	F.	Total.
For 6 months and under 1 year	160	67	227
For 1 year and under 2 years	170	86	256
For 2 years and under 3 years	15	6	21
For 3 years and upwards	2	2	4
	347	161	508

APPEN

Abstract of Returns of Prisoners in the Counties of Scotland, on the 1st January, 1841, at Noon,

Directions given to County Boards.—Prisoners are to be returned as either Civil or Criminal in their order.—1st. The followin
for Debts or Taxes due to the Crown, not being fines or penalties inflicted on Conviction of offences; 3d, Prisoners on *meditatione*
until they find caution to return to service, and if any prisoners are considered to be Civil, and returned as such, who are not compreh
of Prisoners are next to be returned as *Criminal Prisoners,* in their order as Untried, Convicted, and Insane.

Counties.	Names of Prisons in which Prisoners are confined at date of Returns.	Number of Prisoners.	CLASS I.—CIVIL PRISONERS.												
			No. 1. Civil Debts and amount thereof.												No. Other Prison
			Sex.		Amount of Debt.			£8 6s. 8d. and under.	From £8 6s. 8d. to £20.	From £20 to £50.	From £50 to £100.	From £100 to £500.	From £500 to £1000.	From £1000 upwards.	Num
			M.	F.	£.	s.	d.								M.
Aberdeen .	Aberdeen . . .	148	7	..	151	17	9	1	3	2	1	..	..	..	3
Argyll . .	Inverary and Campbelltown.	17	1	..	600	0	0	..	..	..	..	..	1	..	..
Ayr . .	Ayr and Irvine . .	41	3	..	31	11	11	..	3	..	..	..	..	..	3
Banff . .	Banff	8	..	..	.	.		..	..	..	..	..	..	..	..
Berwick .	Greenlaw . . .	11	1	1	238	0	4½	..	1	..	..	1	..	..	..
Bute . .	Rothesay	3	..	..	.	.		..	..	..	..	..	..	..	..
Caithness .	Wick	4	..	..	.	.		..	..	..	..	..	..	..	..
Clackmannan.	Stirling	12	..	..	.	.		..	..	..	..	..	..	..	..
Dumbarton	Dumbarton and Kirkintilloch.	16	..	..	.	.		..	..	..	..	..	..	..	..
Dumfries .	Dumfries . . .	27	1	..	100	0	0	..	..	..	1	..	..	..	1
Edinburgh	Edinburgh Prison, Lock-up-house, Police prison, and Leith Police prison.	562	7	..	2,428	19	0	..	1	3	2	..	..	1	5
Elgin . .	Elgin	7	..	..	.	.		..	..	..	..	..	..	..	1
Fife . .	Cupar, Dunfermline, Kirkaldy.	58	3	..	35	2	0	..	3	..	..	..	..	..	..
Forfar . .	Dundee, Forfar, Brechin, Montrose, and Arbroath	176	7	..	1,377	0	7½	..	..	3	2	1	..	1	1
Haddington	Haddington . . .	14	3	..	67	8	7	1	..	2	..	..	..	..	..
Inverness .	Inverness . . .	35	1	..	12	0	0	..	1	..	..	..	..	..	1
Kincardine	Stonehaven . . .	8	..	..	.	.		..	..	..	..	..	..	..	..
Kinross .	Kinross	1	1	..	47	8	5	..	..	1	..	..	..	..	..
Kirkcudbright.	Kirkcudbright and Maxweltown.	17	..	..	.	.		..	..	..	..	..	..	..	..
Lanark. .	Glasgow prison, Calton, Gorbals, and Anderston, Glasgow Police Office, Hamilton, and Lanark.	484	14	1	674	14	4½	3	5	4	1	2	..	..	..
Linlithgow	Linlithgow . . .	21	..	..	.	.		..	..	..	..	..	..	..	..
Nairn . .	Nairn	3	..	..	.	.		..	..	..	..	..	..	..	1
Orkney and Zetland.	Kirkwall and Fort Charlotte.	11	1	..	11	0	0	..	1	..	..	..	..	..	..
Peebles .	Peebles	7	1	..	5	0	0	1	..	..	..	..	..	..	..
Perth . .	Perth, Blairgowrie, and Dunblane.	84	3	..	80	18	9	..	1	1	1	..	..	..	..
Renfrew .	Paisley, Greenock, and Port Glasgow.	171	16	..	505	3	1½	3	5	5	2	1	..	..	..
Ross and Cromarty.	Dingwall, Tain, and Stornoway.	19	..	..	.	.		..	..	..	..	..	..	..	9
Roxburgh .	Jedburgh . . .	26	3	..	599	5	8	..	..	1	1	1	..	..	..
Selkirk . .	Selkirk	3	..	..	.	.		..	..	..	..	..	..	..	..
Stirling .	Stirling and Falkirk	57	..	1	14	1	0	..	1	..	..	..	..	..	..
Sutherland.	Dornoch	6	3	..	6,430	12	0	..	..	1	..	..	..	2	..
Wigtown .	Wigtown and Stranraer.	11	2	..	73	9	9	..	1	..	1	..	..	..	1
		2,068	78	3	13,483	13	4	9	26	23	12	6	1	4	26
			81												34
									115						

Note.—The Return of Prisoners by the Prison Board of Stirlingshire includes the Prisoners

X.—(No. 2.)

rom Returns by the several County Prison Boards, to the General Board of Directors of Prisons, Edinburgh.

criptions of Prisoners are to be considered and returned as *Civil Prisoners*, viz. 1st, Prisoners for Civil Debts due to subjects; 2d, Prisoners
rants, granted at the instance of Creditors for performance of Civil obligation; 4th, Prisoners *ad factum præstandum*; and 5th, Prisoners
in the foregoing five descriptions, it is requested that a short explanatory note may be added in regard to them.—2nd, all other descriptions

CLASS II.—CRIMINAL PRISONERS.									Classification of Age and Sex of Criminal Prisoners.																	
. 1.	No. 2.		No. 3. Insane or Lunatic Criminal Prisoners.																							
soners.	Convicted Criminal Prisoners.		Untried Criminal Prisoners. Included in No. 1.		On trial found to be Insane or Lunatic and Confined in Prison.		Confined under Criminal Warrant in Lunatic Asylums, or elsewhere.		Age.	Aged 12 years and under.		Aged 16 years and above 12.		Aged 21 years and above 16.		Aged 30 years and above 21.		Aged 40 years and above 30.		Aged 50 years and above 40.		Aged 60 years and above 50.		Aged above 60 years.		Counties.
F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
6	74	45	..	..	..	..	..	..	..	12	2	16	4	19	12	17	16	17	8	4	4	2	2	..	3	Aberdeen.
1	11	3	..	..	..	..	1	..	..	1	..	..	1	4	1	3	1	2	1	2	..	..	..	..	..	Argyll.
2	19	4	..	..	..	..	1	..	..	..	1	4	1	5	..	9	1	6	1	1	2	1	..	1	..	Ayr.
..	7	..	..	..	..	..	1	..	..	..	..	1	..	1	..	2	..	3	..	..	..	..	..	1	..	Banff.
..	1	3	..	..	..	..	..	..	..	..	..	3	1	1	..	1	1	..	..	1	..	..	1	..	..	Berwick.
2	..	..	..	..	..	..	..	..	..	..	..	1	1	..	..	..	..	..	1	..	..	..	..	..	..	Bute.
..	4	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	1	1	..	..	..	..	..	..	Caithness.
1	6	2	..	..	..	..	..	..	..	..	..	..	..	2	..	3	2	2	1	2	..	..	..	..	..	Clackmannan.
3	2	2	..	..	..	..	..	..	..	..	..	2	1	2	1	4	2	2	1	1	..	..	..	..	..	Dumbarton.
..	21	3	..	..	..	..	..	..	..	1	..	4	..	3	..	6	2	5	..	1	1	..	..	1	1	Dumfries.
43	241	190	..	..	1	1	1	1	..	23	10	83	24	58	52	78	83	48	36	14	19	8	8	3	2	Edinburgh.
1	2	..	..	..	..	..	1	..	..	..	..	1	..	1	..	1	1	1	..	1	..	..	..	..	..	Elgin.
7	25	13	..	..	..	..	..	..	..	1	..	7	1	7	6	11	6	5	..	2	6	2	1	..	..	Fife.
20	80	33	..	..	..	..	..	..	..	6	1	23	5	30	8	28	22	22	12	5	4	..	1	1	..	Forfar.
1	4	2	..	..	..	..	..	..	..	..	..	3	..	1	..	1	1	1	..	..	1	1	1	1	..	Haddington.
2	21	9	1	..	..	..	..	..	..	..	1	..	1	8	3	6	2	1	1	3	2	2	1	2	..	Inverness.
..	5	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	5	..	1	..	..	..	..	..	Kincardine
..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Kinross.
..	14	2	..	..	..	..	..	..	..	1	..	..	..	7	..	3	1	2	..	1	..	1	1	..	..	Kirkcudbright.
29	210	127	..	..	..	..	1	..	..	13	2	48	17	99	48	80	51	41	26	17	10	7	5	2	1	Lanark.
1	11	1	..	..	..	..	..	..	..	..	1	1	..	7	..	6	1	3	..	2	..	..	..	..	..	Linlithgow.
..	..	2	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	1	..	..	Nairn.
1	5	2	..	..	..	..	..	..	..	1	..	2	..	..	1	1	1	2	1	..	..	1	..	..	..	Orkney and Zetland.
1	4	..	..	..	..	..	..	..	..	..	..	1	..	1	..	1	1	2	..	..	..	..	..	..	..	Peebles.
8	37	27	..	..	1	..	..	1	..	4	..	7	3	13	5	10	7	4	5	5	7	1	1	2	6	Perth.
12	72	34	..	..	..	..	1	..	..	7	..	12	4	30	9	32	20	13	8	7	1	2	2	..	1	Renfrew.
..	10	..	..	..	..	..	..	..	..	..	..	2	..	3	..	2	..	1	..	..	..	2	..	..	..	Ross and Comarty.
..	12	6	..	..	..	..	..	..	..	..	..	3	3	4	..	6	1	1	1	3	..	..	..	..	1	Roxburgh.
1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	1	1	..	..	..	..	..	..	Selkirk.
3	30	13	..	..	..	..	..	..	..	..	..	4	2	16	4	9	3	6	4	3	2	2	1	..	..	Stirling.
1	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	1	..	..	1	..	..	..	..	..	Sutherland.
3	3	1	..	..	..	..	..	..	..	..	..	..	..	2	1	2	..	..	2	..	..	..	1	..	..	Wigtown.
149	933	524	1	..	2	1	8	2	..	70	18	230	69	327	151	323	228	197	111	77	59	32	27	14	15	

93   1,457   3

1,460

County of Clackmannan, but in this Abstract the Prisoners of each County are stated separately.

Abstract of Returns of Prisoners in the Counties of Scotland, on the 1st of January, 1841, &c.—*continued.*

Counties.	Names of Prisons in which Prisoners are confined at date of Returns.	Where Sentence is Imprisonment, Periods for which Sentenced.														Transportation.						CLA III
		30 days and under.		60 days and above 30.		Above 60 days and under 6 months.		6 months and under 1 year.		1 year and under 2 years.		2 years and under 3 years.		3 years and upwards.		Life.	14 years.	10 years.	7 years.	5 years.	Death.	Inmates admitted on their
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.							M.
Aberdeen	Aberdeen	19	7	21	19	6	1	8	6	14	8	5	1	..	..	..	..	..	4	..	..	..
Argyll	Inverary and Campbelltown.	5	3	3	..	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..
Ayr	Ayr and Irvine	4	1	6	1	5	..	2	2	1	..	..	..	..	..	..	..	..	1	..	..	..
Banff	Banff	1	..	..	..	1	..	2	..	3	..	..	..	..	..	..	..	..	..	..	..	..
Berwick	Greenlaw	..	2	..	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..
Bute	Rothesay	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Caithness	Wick	1	..	..	..	1	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Clackmannan.	Stirling	..	..	1	..	..	..	2	2	3	..	..	..	..	..	..	..	..	..	..	..	..
Dumbarton	Dumbarton and Kirkintilloch.	..	2	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Dumfries	Dumfries	1	..	3	3	4	..	8	..	4	..	1	..	..	..	..	..	..	..	..	..	..
Edinburgh	Edinburgh Prison, Lock-up-house, Police Prison, and Leith Police Prison.	57	87	52	39	19	9	36	26	63	22	3	1	..	..	..	2	2	9	..	..	..
Elgin	Elgin	..	..	..	..	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..
Fife	Cupar, Dunfermline Kirkaldy.	7	4	5	6	2	2	7	1	4	..	..	..	..	..	..	..	..	..	..	..	..
Forfar	Dundee, Forfar, Brechin, Montrose, and Arbroath.	7	4	7	2	15	4	23	11	25	11	3	1	..	..	..	..	..	..	..	..	..
Haddington	Haddington	1	..	..	..	3	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Inverness	Inverness	2	..	3	3	6	2	6	..	2	4	2	..	..	..	..	..	..	..	..	..	..
Kincardine	Stonehaven	..	..	5	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kinross	Kinross	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Kirkcudbright.	Kircudbright and Maxweltown.	1	..	8	..	3	..	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..
Lanark	Glasgow Prison, Calton, Gorbals, and Anderston, Glasgow Police Office, Hamilton, and Lanark.	32	19	53	50	36	19	38	13	42	21	2	2	..	1	..	..	1	4	..	..	..
Linlithgow	Linlithgow	..	..	4	1	6	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Nairn	Nairn	..	1	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Orkney and Zetland.	Kirkwall and Fort Charlotte.	..	..	..	..	1	..	3	1	..	1	1	..	..	..	..	..	..	..	..	..	..
Peebles	Peebles	2	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Perth	Perth, Blairgowrie, and Dunblane.	10	13	7	1	6	6	4	2	9	3	..	..	..	..	..	..	..	2	..	..	..
Renfrew	Paisley, Greenock, and Port Glasgow.	24	13	13	4	12	6	10	2	7	6	..	1	..	..	..	..	..	2	..	..	..
Ross and Cromarty.	Dingwall, Tain, and Stornoway.	4	..	3	..	1	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Roxburgh	Jedburgh	3	..	2	2	3	2	3	1	..	..	..	..	..	..	..	..	..	2	..	..	..
Selkirk	Selkirk	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Stirling	Stirling and Falkirk	4	4	7	..	4	5	5	2	7	2	..	..	..	..	..	..	1	2	..	..	..
Sutherland	Dornoch	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wigtown	Wigtown and Stranraer.	..	..	..	..	2	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..
		185	160	207	132	138	59	165	71	188	80	17	6	..	1	..	2	4	26	..	..	..
		1,409														32						

ABSTRACT of Sentences of Imprisonment for periods of six Months and upwards.

	M.	F.	Total.
For 6 months and under 1 year	165	71	236
For 1 year and under 2 years	188	80	268
For 2 years and under 3 years	17	6	23
For 3 years and upwards	..	1	1
	370	158	528

No. XI.

ABLE of the whole Assessments imposed in the Year 1840, on the several Counties in Scotland, and Burghs situated therein for the purposes of the Prisons' Act; and Apportionment of such Assessments among the several Landward Parts of Counties and Burghs.

Counties, and Royal and Parliamentary Burghs situated therein.	Population.	Assessment of £2,000 under § 35 for building General Prison and apportionment thereof under § 39.		Assessment of £5,000 under § 37, for expenses of General Board, &c., and apportionment thereof under § 39.		Assessment of £10,000 under § 36, for building, &c. Local Prisons, and apportionment thereof under § 39.		Assessment fixed and determined by and on behalf of County Prison Boards under § 38, for current expenses, &c., and apportionment thereof under § 39.	
		Assessment.	Apportionment.	Assessment.	Apportionment.	Assessment.	Apportionment.	Assessment.	Apportionment.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1. ABERDEEN	..	146 19 7	..	367 8 11^{6}	..	734 17 11	..	2,000 0 0	..
Aberdeen	56,843	..	47 0 6^{11}	..	117 11 5^{4}	..	235 2 10^{8}	..	639 18 9^{7}
Peterhead	5,500	..	4 11 0^{2}	..	11 7 6^{4}	..	22 15 0^{8}	..	61 18 4^{8}
Inverury	1,026	..	0 16 11^{9}	..	2 2 5^{4}	..	4 4 10^{8}	..	11 11 0^{2}
Kintore	404	..	0 6 8^{2}	..	0 16 8^{6}	..	1 13 5	..	4 10 11^{7}
Landward part	113,878	..	94 4 4	..	235 10 10	..	471 1 8	..	1,282 0 10
	177,651	..	146 19 7	..	367 8 11^{6}	..	734 17 11	..	2,000 0 0
2. ARGYLE	..	65 12 8	..	164 1 8	..	328 3 4	..	400 0 0	..
Campbelton	6,400	..	4 2 10	..	10 7 1	..	20 14 2	..	25 4 9^{8}
Inverary	1,033	..	0 13 4^{5}	..	1 13 5	..	3 6 10	..	4 1 5^{9}
Oban	1,460	..	0 18 10^{9}	..	2 7 2^{10}	..	4 14 5^{8}	..	5 15 1^{11}
Landward part	92,532	..	59 17 6^{10}	..	149 13 11^{2}	..	299 7 10^{4}	..	364 18 6^{8}
	101,425	..	65 12 8	..	164 1 8	..	328 3 4	..	400 0 0
3. AYR	..	86 17 2	..	217 2 11	..	434 5 10	..	600 0 0	..
Ayr	14,926	..	8 18 9^{1}	..	22 6 10^{8}	..	44 13 9^{4}	..	61 14 9^{6}
Irvine	7,116	..	4 5 2^{8}	..	10 13 0^{8}	..	21 6 1^{4}	..	29 8 8^{2}
Kilmarnock	16,985	..	10 3 4^{11}	..	25 8 6^{4}	..	50 17 0^{8}	..	70 5 1^{6}
Landward part	106,028	..	63 9 9^{4}	..	158 14 5^{4}	..	317 8 10^{8}	..	438 11 4^{10}
	145,055	..	86 17 2	..	217 2 11	..	434 5 10	..	600 0 0
4. BANFF	..	25 15 8	..	64 9 2	..	128 18 4	..	400 0 0	..
Banff	4,885	..	2 11 9^{11}	..	6 9 6^{10}	..	12 19 1^{8}	..	40 4 0^{7}
Cullen	1,472	..	0 15 7^{5}	..	1 19 0^{6}	..	3 18 1	..	12 2 3^{5}
Landward part	42,247	..	22 8 2^{8}	..	56 0 6^{8}	..	112 1 1^{4}	..	347 13 8
	48,604	..	25 15 8	..	64 9 2	..	128 18 4	..	400 0 0
5. BERWICK	..	19 19 2	..	49 17 11	..	99 15 10	..	492 0 0	..
Lauder	1,043	..	0 12 2^{9}	..	1 10 6^{10}	..	3 1 1^{8}	..	15 1 5^{2}
Landward part	33,005	..	19 6 11^{3}	..	48 7 4^{2}	..	96 14 8^{4}	..	476 18 6^{10}
	34,048	..	19 19 2	..	49 17 11	..	99 15 10	..	492 0 0
6. BUTE	..	9 11 8	..	23 19 2	..	47 18 4	..	140 0 0	..
Rothesay	4,817	..	3 5 2^{11}	..	8 3 1^{4}	..	16 6 2^{8}	..	47 13 1^{5}
Landward part	9,334	..	6 6 5^{1}	..	15 16 0^{8}	..	31 12 1^{4}	..	92 6 10^{7}
	14,151	..	9 11 8	..	23 19 2	..	47 18 4	..	140 0 0
7. CAITHNESS	..	24 5 2	..	60 12 11	..	121 5 10	..	400 0 0	..
Wick	4,900	..	3 8 10^{2}	..	8 12 1^{6}	..	17 4 3	..	56 15 3^{4}
Landward part	29,629	..	20 16 3^{10}	..	52 0 9^{6}	..	104 1 7	..	343 4 8^{8}
	34,529	..	24 5 2	..	60 12 11	..	121 5 10	..	400 0 0
8. CLACKMANNAN	14,729	19 3 3	19 3 3	47 18 1^{6}	47 18 1^{6}	95 16 3	95 16 3	180 0 0	180 0 0
9. DUMBARTON	..	31 11 2	..	78 17 11	..	157 15 10	..	520 0 0	..
Dumbarton	3,923	..	3 14 6^{8}	..	9 6 4^{8}	..	18 12 9^{4}	..	61 8 5^{9}
Landward part	29,288	..	27 16 7^{4}	..	69 11 6^{4}	..	139 3 0^{8}	..	458 11 6^{3}
	33,211	..	31 11 2	..	78 17 11	..	157 15 10	..	520 0 0
10. DUMFRIES	..	57 1 1	..	142 12 8^{6}	..	285 5 5	..	750 0 0	..
Annan	3,100	..	2 7 11^{5}	..	5 19 10^{6}	..	11 19 9	..	31 10 3^{1}
Dumfries	8,664	..	6 14 0^{2}	..	16 15 0^{6}	..	33 10 1	..	88 1 8^{4}
Lochmaben	969	..	0 14 11^{10}	..	1 17 5^{8}	..	3 14 11^{4}	..	9 17 6^{9}
Sanquhar	1,595	..	1 4 8^{1}	..	3 1 8^{2}	..	6 3 4^{4}	..	16 4 3^{10}
Landward part	59,442	..	45 19 5^{6}	..	114 18 7^{8}	..	229 17 3^{4}	..	604 6 7^{4}
	73,770	..	57 1 1	..	142 12 8^{6}	..	285 5 5	..	750 0 0

Table of Assessments, &c.—*continued.*

Counties, and Royal and Parliamentary Burghs situated therein.	Population.	Assessment of £2,000 under § 35 for building General Prison, and apportionment thereof under § 39.		Assessment of £5,000 under § 37, for expenses of General Board, &c., and apportionment thereof under § 39.		Assessment of £10,000 under § 36, for building &c. Local Prisons, and apportionment thereof under § 39.		Assessment fixed and determined by and on beha of County Prison Boards under § 38, for current expenses &c., and apportionment thereof und § 39.	
		Assessment.	Apportionment.	Assessment.	Apportionment.	Assessment.	Apportionment.	Assessment.	Apportionment.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s.
11. EDINBURGH	..	292 8 6	..	731 1 3	..	1,462 2 6	..	7,000 0 0	..
Edinburgh	135,594	..	180 11 4^{1}	..	451 8 4^{2}	..	902 16 8^{4}	..	4,322 7 4
Leith	24,416	..	32 10 3^{5}	..	81 5 8^{6}	..	162 11 5	..	778 6 3
Musselburgh	7,018	..	9 6 11	..	23 7 3^{6}	..	46 14 7	..	223 14 3
Portobello	2,921	..	3 17 9^{6}	..	9 14 5^{10}	..	19 8 11^{8}	..	93 2 3
Landward part	49,643	..	66 2 2	..	165 5 5	..	330 10 10	..	1,582 9 8
	219,592	..	292 8 6	..	731 1 3	..	1,462 2 6	..	7,000 0 0
12. ELGIN	..	21 3 7	..	52 18 11^{6}	..	105 17 11	..	200 0 0	..
Elgin	5,208	..	3 4 5^{4}	..	8 1 1^{4}	..	16 2 2^{8}	..	30 8 6
Forres	3,350	..	2 1 5^{6}	..	5 3 7^{8}	..	10 7 3^{4}	..	19 11 5
Landward part	25,673	..	15 17 8^{2}	..	39 14 2^{6}	..	79 8 5	..	149 19 11
	34,231	..	21 3 7	..	52 18 11^{6}	..	105 17 11	..	200 0 0
13. FIFE	..	90 19 6	..	227 8 9	..	454 17 6	..	1,000 0 0	..
Anstruther East	1,007	..	0 14 2^{8}	..	1 15 6^{8}	..	3 11 1^{4}	..	7 16 3
Anstruther West	330	..	0 4 7^{11}	..	0 11 7^{10}	..	1 3 3^{8}	..	2 11 2
Auchtermuchty	1,346	..	0 19 0^{2}	..	2 7 6^{4}	..	4 15 0^{8}	..	10 8 11
Burntisland	2,026	..	1 8 7^{4}	..	3 11 6^{4}	..	7 3 0^{8}	..	15 14 6
Crail	1,311	..	0 18 6^{2}	..	2 6 3^{6}	..	4 12 7	..	10 3 6
Cupar	5,300	..	3 14 10^{2}	..	9 7 1^{6}	..	18 14 3	..	41 2 8
Dunfermline	10,625	..	7 10 0^{7}	..	18 15 1^{6}	..	37 10 3	..	82 9 4
Dysart	6,804	..	4 16 1^{1}	..	12 0 2^{8}	..	24 0 5^{4}	..	52 16 2
Earlsferry	500	..	0 7 0^{9}	..	0 17 7^{10}	..	1 15 3^{8}	..	3 17 7
Falkland	1,100	..	0 15 6^{5}	..	1 18 10	..	3 17 8	..	8 10 9
Inverkeithing	2,140	..	1 10 2^{8}	..	3 15 6^{8}	..	7 11 1^{4}	..	16 12 2
Kilrenny	1,400	..	0 19 9^{3}	..	2 9 5^{2}	..	4 18 10^{4}	..	10 17 3
Kinghorn	1,350	..	0 19 0^{10}	..	2 7 8	..	4 15 4	..	10 9 6
Kirkaldy	9,067	..	6 8 0^{6}	..	16 0 1^{4}	..	32 0 2^{8}	..	70 7 5
Newburgh	2,442	..	1 14 5^{9}	..	4 6 2^{6}	..	8 12 5	..	18 19 0
Pittenweem	1,295	..	0 18 3^{6}	..	2 5 8^{8}	..	4 11 5^{4}	..	10 1 0
St. Andrews	4,194	..	2 19 2^{9}	..	7 8 0^{10}	..	14 16 1^{8}	..	32 11 0
Landward part	76,602	..	54 1 9^{6}	..	135 4 5^{8}	..	270 8 11^{4}	..	594 11 1
	128,839	..	90 19 6	..	227 8 9	..	454 17 6	..	1,000 0 0
14. FORFAR*	..	141 10 9	..	353 16 10^{6}	..	707 13 9	..	2,000 0 0	..
Arbroath	11,299	..	11 9 1^{3}	..	28 12 9^{2}	..	57 5 6^{4}	..	161 17 4
Brechin	5,060	..	5 2 7^{3}	..	12 16 6	..	25 13 0	..	72 9 9
Dundee	46,142	..	46 15 7^{3}	..	116 19 0^{2}	..	233 18 0^{4}	..	661 0 7
Forfar	6,689	..	6 15 7^{7}	..	16 19 1	..	33 18 2	..	95 16 6
Montrose	11,417	..	11 11 6	..	28 18 9	..	57 17 6	..	163 11 2
Landward part	58,999	..	59 16 3^{8}	..	149 10 9^{2}	..	299 1 6^{4}	..	845 4 5
	139,606	..	141 10 9	..	353 16 10^{6}	..	707 13 9	..	2,000 0 0
15. HADDINGTON	..	27 1 4	..	67 13 4	..	135 6 8	..	400 0 0	..
Dunbar	3,349	..	2 10 1^{10}	..	6 5 4^{8}	..	12 10 9^{4}	..	37 1 2
Haddington	3,900	..	2 18 4^{11}	..	7 6 0^{4}	..	14 12 0^{8}	..	43 3 2
North Berwick	1,100	..	0 16 5^{9}	..	2 1 2^{4}	..	4 2 4^{8}	..	12 3 5
Landward part	27,796	..	20 16 3^{6}	..	52 0 8^{8}	..	104 1 5^{4}	..	307 12 1
	36,145	..	27 1 4	..	67 13 4	..	135 6 8	..	400 0 0
16. INVERNESS	..	62 13 5	..	156 13 6^{6}	..	313 7 1	..	704 0 0	..
Invernesss	12,000	..	7 18 8	..	19 16 8	..	39 13 4	..	89 2 4
Landward part	82,797	..	54 14 9	..	136 16 10^{6}	..	273 13 9	..	614 17 8
	94,797	..	62 13 5	..	156 13 6^{6}	..	313 7 1	..	704 0 0
17. KINCARDINE	..	22 15 8	..	56 19 2	..	113 18 4	..	150 0 0	..
Inverbervie	784	..	0 11 4^{5}	..	1 8 5	..	2 16 10	..	3 14 10
Landward part	30,647	..	22 4 3^{7}	..	55 10 9	..	111 1 6	..	146 5 2
	31,431	..	22 15 8	..	56 19 2	..	113 18 4	..	150 0 0
18. KINROSS	9,072	17 15 1	17 15 1	44 7 8^{6}	44 7 8^{6}	88 15 5	88 15 5	60 0 0	60 0 0
19. KIRKCUDBRIGHT	..	28 18 11	..	72 7 3^{6}	..	144 14 7	..	1,100 0 0	..
Kirkcudbright	2,600	..	1 17 1	..	4 12 8^{6}	..	9 5 5	..	70 9 2^{7}
New Galloway	439	..	0 6 3^{2}	..	0 15 7^{10}	..	1 11 3^{8}	..	11 17 11^{4}
Maxwelltown	3,500	..	2 9 11	..	6 4 9^{6}	..	12 9 7	..	94 17 0^{3}
Landward part	34,051	..	24 5 7^{10}	..	60 14 1^{8}	..	121 8 3^{4}	..	922 15 9^{1}
	40,590	..	28 18 11	..	72 7 3^{6}	..	144 14 7	..	1,100 0 0

* NOTE.—The Assessments on Forfarshire here reported are exclusive of the Assessment authorized by the 25th section of the Act.

Table of Assessments, &c.—*continued*.

Counties, and Royal and Parliamentary Burghs situated therein.	Population.	Assessment of £2,000 under §35 for building General Prison, and apportionment thereof under § 39.		Assessment of £5,000 under § 37 for expenses of General Board, &c., and apportionment thereof under § 39.		Assessment of £10,000 under § 36 for building, &c. Local Prisons, and apportionment thereof under § 39.		Assessment fixed and determined by and on behalf of County Prison Boards under § 38, for current expenses, &c., and apportionment thereof under § 39.	
		Assessment.	Apportionment.	Assessment.	Apportionment.	Assessment.	Apportionment.	Assessment.	Apportionment.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
20. LANARK	..	269 0 2	..	672 10 5	..	1,345 0 10	..	6,670 18 0	..
Airdrie	6,500	..	5 10 4^{7}	..	13 15 11^{4}	..	27 11 10^{8}	..	136 17 3^{2}
Glasgow	185,019	..	157 1 11^{6}	..	392 14 10^{10}	..	785 9 9^{8}	..	3,895 14 8^{8}
Hamilton	8,075	..	6 17 1^{6}	..	17 2 9^{10}	..	34 5 7^{8}	..	170 0 6^{8}
Lanark	4,100	..	3 9 7^{6}	..	8 14 0^{10}	..	17 8 1^{8}	..	86 6 7
Rutherglen	4,317	..	3 13 3^{9}	..	9 3 3^{4}	..	18 6 6^{8}	..	90 17 11^{7}
Landward part	108,808	..	92 7 9^{2}	..	230 19 4^{10}	..	461 18 9^{8}	..	2,291 0 11^{4}
	316,819	..	269 0 2	..	672 10 5	..	1,345 0 10	..	6,670 18 0
21. LINLITHGOW	..	22 15 7	..	56 18 11^{6}	..	113 17 11	..	400 0 0	..
Linlithgow	3,300	..	3 4 6^{7}	..	8 1 4^{6}	..	16 2 9	..	56 13 5^{10}
Queensferry	1,073	..	1 0 11^{11}	..	2 12 5^{8}	..	5 4 11^{4}	..	18 8 6^{8}
Landward part	18,918	..	18 10 0^{6}	..	46 5 1^{4}	..	92 10 2^{8}	..	324 17 11^{6}
	23,291	..	22 15 7	..	56 18 11^{6}	..	113 17 11	..	400 0 0
22. NAIRN	..	7 7 10	..	18 9 7	..	36 19 2	..	125 0 0	..
Nairn	2,500	..	1 19 6^{2}	..	4 18 9^{4}	..	9 17 6^{8}	..	33 8 2
Landward part	6,854	..	5 8 3^{10}	..	13 10 9^{8}	..	27 1 7^{4}	..	91 11 10
	9,354	..	7 7 10	..	18 9 7	..	36 19 2	..	125 0 0
23. ORKNEY & ZETLAND	..	32 19 4	..	82 8 4	..	164 16 8	..	600 0 0	..
Kirkwall	3,131	..	1 15 5^{5}	..	4 8 7^{6}	..	8 17 3	..	43 8 3^{8}
Landward part	55,108	..	31 3 10^{7}	..	77 19 8^{6}	..	155 19 5	..	556 11 8^{4}
	58,239	..	32 19 4	..	82 8 4	..	164 16 8	..	600 0 0
24. PEEBLES	..	7 1 10	..	17 14 7	..	35 9 2	..	126 0 0	..
Peebles	2,400	..	1 12 2^{2}	..	4 0 5^{4}	..	8 0 10^{8}	..	28 11 9
Landward part	8,178	..	5 9 7^{10}	..	13 14 1^{8}	..	27 8 3^{4}	..	97 8 3
	10,578	..	7 1 10	..	17 14 7	..	35 9 2	..	126 0 0
25. PERTH	..	126 1 3	..	315 3 1^{6}	..	630 6 3	..	800 0 0	..
Culross	700	..	0 12 4^{8}	..	1 10 10^{8}	..	3 1 9^{4}	..	3 18 4^{9}
Perth	22,234	..	19 12 3^{7}	..	49 0 9	..	98 1 6	..	124 9 6^{9}
Landward part	119,960	..	105 16 7^{2}	..	264 11 5^{10}	..	529 2 11^{8}	..	671 12 0^{6}
	142,894	..	126 1 3	..	315 3 1^{6}	..	630 6 3	..	800 0 0
26. RENFREW	..	112 11 5	..	281 8 6^{6}	..	562 17 1	..	1,500 0 0	..
Greenock	27,000	..	22 15 6^{6}	..	56 18 10^{2}	..	113 17 8^{4}	..	303 10 0^{1}
Paisley	49,027	..	41 7 2^{1}	..	103 7 11^{2}	..	206 15 10^{4}	..	551 2 0^{1}
Port Glasgow	5,147	..	4 6 10^{1}	..	10 17 1^{2}	..	21 14 2^{4}	..	57 17 1^{6}
Renfrew	1,960	..	1 13 0^{9}	..	4 2 8	..	8 5 4	..	22 0 7^{8}
Landward Part	50,309	..	42 8 9^{7}	..	106 2 0	..	212 4 0	..	565 10 2^{8}
	133,443	..	112 11 5	..	281 8 6^{6}	..	562 17 1	..	1,500 0 0
27. ROSS and CROMARTY	..	50 12 5	..	126 11 0^{6}	..	253 2 1	..	525 0 0	..
Cromarty	2,215	..	1 9 11^{8}	..	3 14 11^{2}	..	7 9 10^{4}	..	15 10 10^{2}
Dingwall	1,700	..	1 3 0^{1}	..	2 17 6^{2}	..	5 15 0^{4}	..	11 18 6^{11}
Fortrose	1,110	..	0 15 0^{3}	..	1 17 6^{8}	..	3 15 1^{4}	..	7 15 9^{4}
Tain	1,787	..	1 4 2^{2}	..	3 0 5^{4}	..	6 0 10^{8}	..	12 10 9^{4}
Landward part	68,008	..	46 0 2^{10}	..	115 0 7^{2}	..	230 1 2^{4}	..	477 4 0^{3}
	74,820	..	50 12 5	..	126 11 0^{6}	..	253 2 1	..	525 0 0
28. ROXBURGH	..	64 2 10	..	160 7 1	..	320 14 2	..	800 0 0	..
Jedburgh	3,709	..	5 8 11^{8}	..	13 12 5^{2}	..	27 4 10^{4}	..	67 19 1^{9}
Landward part	39,954	..	58 13 10^{4}	..	146 14 7^{10}	..	293 9 3^{8}	..	732 0 10^{3}
	43,663	..	64 2 10	..	160 7 1	..	320 14 2	..	800 0 0
29. SELKIRK	..	5 19 11	..	14 19 9^{6}	..	29 19 7	..	100 0 0	..
Selkirk	1,929	..	1 13 10^{3}	..	4 4 7^{8}	..	8 9 3^{4}	..	28 4 7^{4}
Landward part	4,904	..	4 6 0^{9}	..	10 15 1^{10}	..	21 10 3^{8}	..	71 15 4^{8}
	6,833	..	5 19 11	..	14 19 9^{6}	..	29 19 7	..	100 0 0

Table of Assessments, &c.—*continued.*

Counties, and Royal and Parliamentary Burghs situated therein.	Population.	Assessment of £2,000 under § 35 for building General Prison, and apportionment thereof under § 39.		Assessment of £5,000 under § 37, for expenses of General Board, &c., and apportionment thereof under § 39.		Assessment of £10,000 under § 36, for building, &c., Local Prisons, and apportionment thereof under § 39.		Assessment fixed and determined by and on beha of County Prison Boards under § 38, for current expenses, &c., and apportionment thereof unde § 39.	
		Assessment.	Apportionment.	Assessment.	Apportionment.	Assessment.	Apportionment.	Assessment.	Apportionment.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
		£. s. d	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
30. STIRLING	..	66 11 1	..	166 7 8^{6}	..	332 15 5	..	900 0 0	..
Stirling	10,292	..	9 8 7^{9}	..	23 11 7^{4}	..	47 3 2^{8}	..	127 10 11^{1}
Falkirk	7,051	..	6 9 2^{10}	..	16 3 1^{2}	..	32 6 2^{4}	..	87 7 8^{2}
Landward part	55,278	..	50 13 2^{5}	..	126 13 0	..	253 6 0	..	685 1 3^{1}
	72,621	..	66 11 1	..	166 7 8^{6}	..	332 15 5	..	900 0 0
31. SUTHERLAND	..	13 17 11	..	34 14 9^{6}	..	69 9 7	..	100 0 0	..
Dornock	500	..	0 5 5^{4}	..	0 13 7^{4}	..	1 7 2^{8}	..	1 19 2^{8}
Landward part	25,018	..	13 12 5^{8}	..	34 1 2^{2}	..	68 2 4^{4}	..	98 0 9^{9}
	25,518	..	13 17 11	..	34 14 9^{6}	..	69 9 7	..	100 0 0
32. WIGTOWN	..	28 15 1	..	71 17 8^{6}	..	143 15 5	..	1,000 0 0	..
Stranraer	4,389	..	3 9 7^{5}	..	8 14 0^{6}	..	17 8 1	..	121 0 11^{9}
Whithorn	1,226	..	0 19 5^{4}	..	2 8 7^{4}	..	4 17 2^{8}	..	33 16 3^{2}
Wigtown	1,800	..	1 8 6^{7}	..	3 11 4^{6}	..	7 2 9	..	49 12 10^{8}
Landward part	28,843	..	22 17 5^{8}	..	57 3 8^{2}	..	114 7 4^{4}	..	795 9 10^{5}
	36,258	..	28 15 1	..	71 17 8^{6}	..	143 15 5	..	1,000 0 0
Total Assessments in the Year 1840	..	2,000 0 0	..	5,000 0 0	..	10,000 0 0	..	30,142 18 0	..

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